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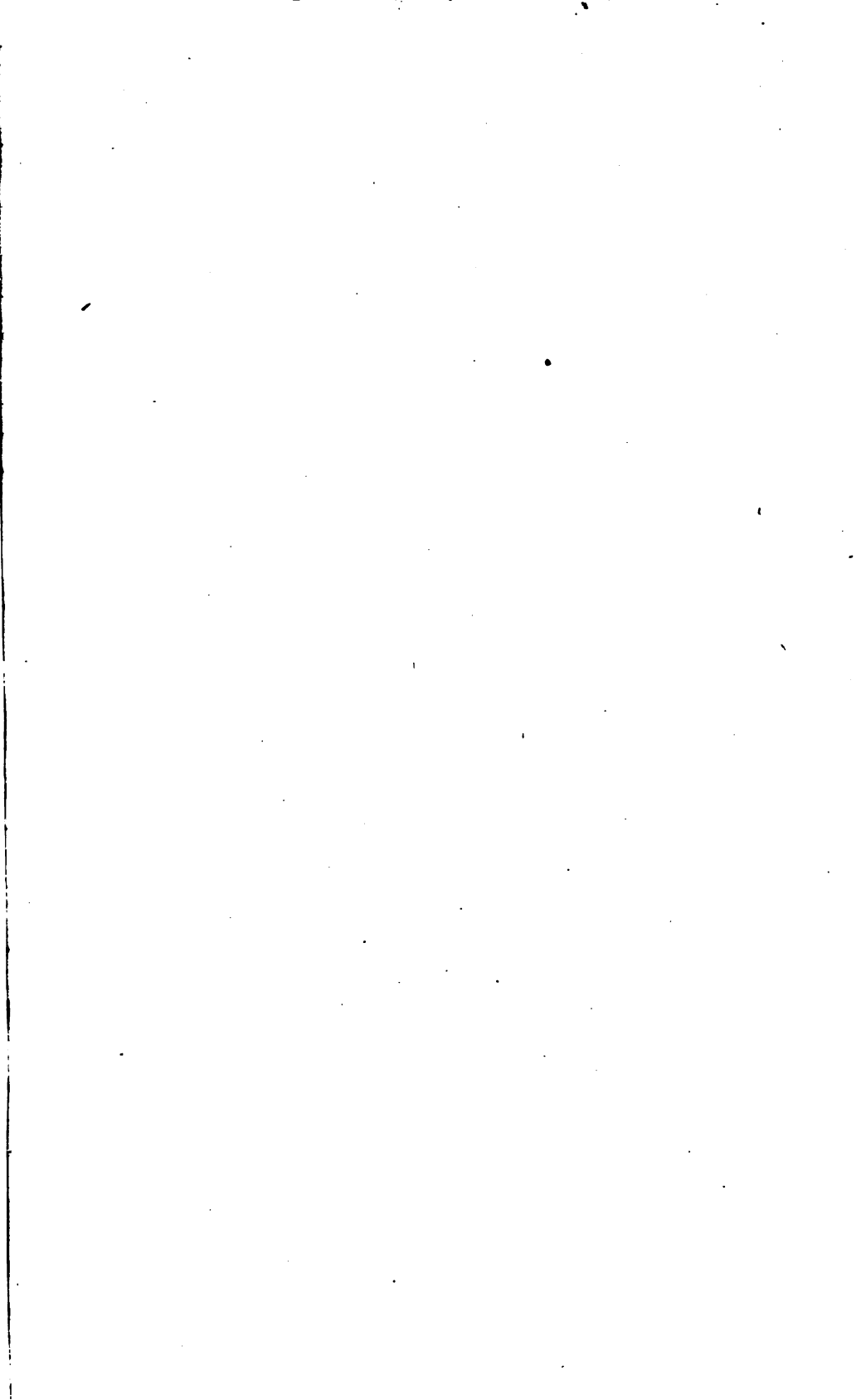
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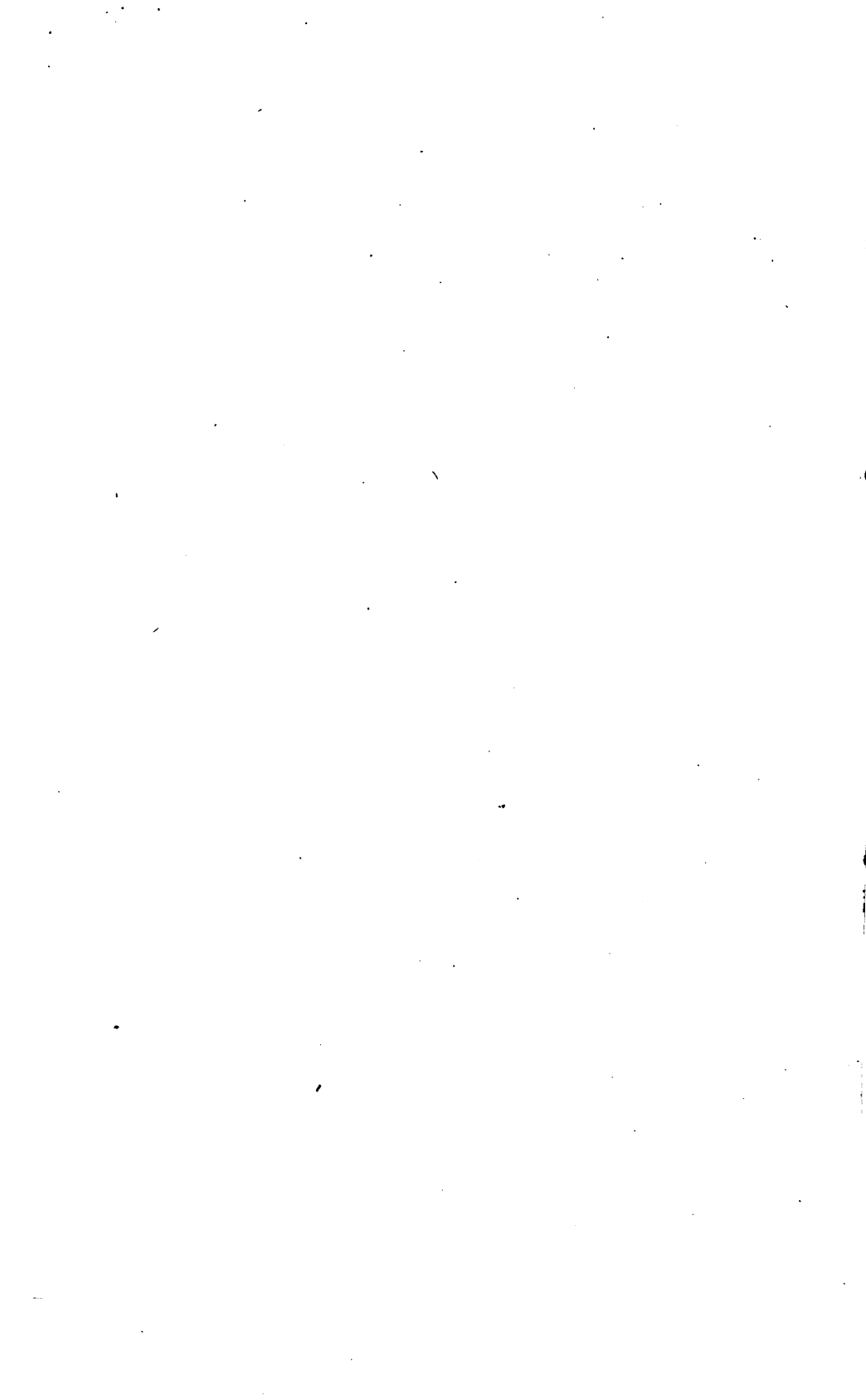
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Municipal register.

ORDINANCES

OF THE

CITY OF NEWBURYPORT, *Mass.* - ✓

WITH

THE CITY CHARTER AND AMENDMENTS,

THE

RULES AND ORDERS OF THE CITY COUNCIL

AND THE

GENERAL AND SPECIAL STATUTES OF THE COMMON-WEALTH RELATING TO MUNICIPAL AFFAIRS.

PUBLISHED BY ORDER OF THE CITY COUNCIL.



c

NEWBURYPORT:

WILLIAM H. HUSE & CO., PRINTERS, HERALD OFFICE.

1880.

17/1/16

MAY 2016

By Exchange.

PREFACE.

The joint special committee appointed by the city council of the city of Newburyport to prepare a new Municipal Register for publication, in accordance with the recommendation of His Honor the Mayor, have attended to the duty assigned them, and submit the following pages as the result of their labors.

The compilation and revision of the ordinances, rules and orders, and other matters included in this volume, has occupied much time and attention, and the re-arrangement and condensation rendered necessary by the frequent changes in our municipal laws, as well as in the statutes of the commonwealth, since the last revision of the Register in 1869, has been attended by an amount of labor not anticipated when the work was undertaken.

The committee have endeavored to make such a compilation as would meet the wants of the city council, and at the same time prove serviceable to the citizens generally. In their efforts to accomplish this result they have sought for guidance and help from every source within their reach, and have availed themselves of the advantages derived from a careful examination and comparison of this work with the municipal codes of other cities in this commonwealth.

The committee especially desire to acknowledge their indebtedness to Edward F. Bartlett, Esq., whose advice and assistance in the preparation of these pages has been constantly sought and relied upon, and who has labored earnestly and faithfully to secure a full and accurate compilation of the laws, ordinances, and regulations, relating to the government of the city of Newburyport.

JOHN J. CURRIER,
J. OTIS WINKLEY,
WILLIAM H. NOYES,
HENRY B. LITTLE,
FRANK W. HALE,
WILLIAM R. JOHNSON, } COMMITTEE.

Newburyport, Nov. 23, 1880.

CITY OF NEWBURYPORT.

IN COMMON COUNCIL, January 5, 1880.

ORDERED, the mayor and aldermen concurring, that a joint special committee of the city council be appointed to prepare and cause to be printed a new Municipal Register, in accordance with the recommendation of the mayor, the expense of the same to be charged to incidentals.

Passed to its second reading, and Messrs. Henry B. Little, Frank W. Hale, and William R. Johnson, appointed on the part of this board.

Attest, THOMAS E. CUTTER, CLERK.

IN COMMON COUNCIL, February 2, 1880.

Adopted. Attest,

THOMAS E. CUTTER, CLERK.

IN BOARD OF ALDERMEN, February 2, 1880.

Adopted in concurrence, and Aldermen J. Otis Winkley and William H. Noyes appointed on the part of this board.

Attest, GEORGE H. STEVENS, CITY CLERK.

IN BOARD OF ALDERMEN, March 8, 1880.

ORDERED, the common council concurring, that His Honor the Mayor be and hereby is added to the joint special committee on Municipal Register.

Adopted. Attest, GEORGE H. STEVENS, CITY CLERK.

IN COMMON COUNCIL, March 8, 1880.

Adopted in concurrence.

Attest, THOMAS E. CUTTER, CLERK.

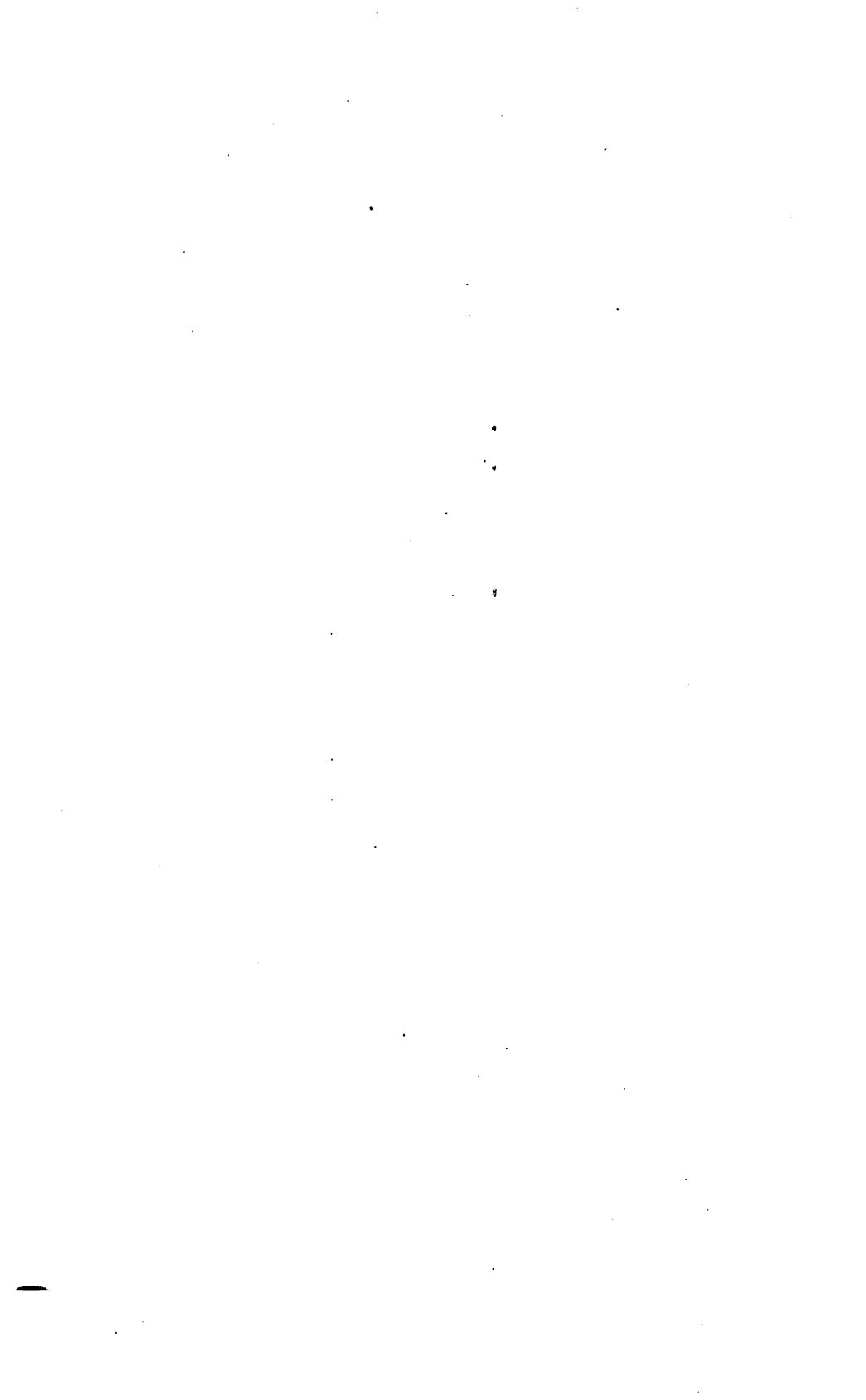
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CITY CHARTER.



CITY CHARTER.

AN ACT TO ESTABLISH THE CITY OF NEWBURYPORT.

[Chapter 296 of the Acts of 1851.]

SECTION 1. The inhabitants of the town of Newburyport shall continue to be a body politic and corporate, under the name of the City of Newburyport, and as such, shall have, exercise and enjoy all the rights, immunities, powers and privileges, and shall be subject to all the duties and obligations now incumbent upon, and appertaining to, said town, as a municipal corporation.

Corporate name and general powers.

SECT. 2. The administration of all the fiscal, prudential, and municipal affairs of said city, with the government thereof, shall be vested in one principal officer, to be styled the mayor; one council of six, to be called the board of aldermen; and one council of eighteen, to be called the common council; which boards, in their joint capacity, shall be denominated the city council, and the members thereof shall be sworn to the faithful performance of their respective offices. A majority of each

Administration to be vested in the mayor, aldermen, and common council.

board shall constitute a quorum for doing business.

Selectmen
to divide
the town in-
wards.

SECT. 3. It shall be the duty of the selectmen of Newburyport, as soon as may be, after the passage of this act, and its acceptance by the inhabitants, as hereinafter provided, to divide said town into six wards, to contain, as nearly as conveniently may be, an equal number of inhabitants, which proceedings of the selectmen shall be subject to the revision of the city council, within one year after the passage of this act. And it shall be the duty of the city council, once in five years, and not oftener, to revise, and if it be needful, to alter said wards, in such manner as to preserve, as nearly as may be, an equal number of inhabitants in each ward.

To be revis-
ed every
five years by
city council.

Ward offi-
cers.

SECT. 4. [On the second Monday in December,]¹ annually, there shall be chosen by ballot, in each of said wards, a warden, clerk, and three inspectors of elections, residents of wards in which they are chosen, who shall hold their offices for one year, and until others shall have been chosen in their places and qualified to act. It shall be the duty of such wardens to preside at all ward meetings, with the power of moderators of town meetings; and if, at any meeting, the warden shall not be present, the clerk of such wards shall call the meeting to order, and preside until a warden *pro tempore* shall be chosen by ballot; and if, at any meeting, the clerk shall not be

Duties of
warden.

¹ Amended by Chap. 140, Acts of 1872: Election to be held on Tuesday next after second Monday in December.

present, a clerk *pro tempore* shall be chosen by ballot. The clerk shall record all the proceedings, and certify the votes given, and deliver to his successor in office all such records and journals, together with all other documents and papers held by him in said capacity. And it shall be the duty of the inspectors of elections to assist the warden in receiving, assorting and counting the votes. And the warden, clerk, and inspectors, so chosen, shall respectively make oath or affirmation, faithfully and impartially to discharge their several duties relative to all elections, which oath may be administered by the clerk of such ward to the warden, and by the warden to the clerk and inspectors; or by any justice of the peace for the county of Essex. All warrants for meetings of the citizens for municipal purposes, to be held either in wards or in general meetings, shall be issued by the mayor and aldermen, and shall be in such form, and shall be served, executed and returned, in such manner and at such times as the city council may, by any by-law, direct.

SECT. 5. The mayor and six aldermen, one alderman being selected from each ward, shall be elected by the qualified voters of the city at large, voting in their respective wards; and three common councilmen shall be elected from and by the voters of each ward, being residents in the ward where elected. All said officers shall be chosen by ballot, and shall hold their offices for one year from the first

Duties of clerk.

And inspectors of elections.

Warrants for ward and city meetings.

Election of mayor and city council (Amended, see additional acts, c. 333 of 1861 c. 86 of 1864)

Monday in January, and until others shall be elected and qualified.

Proceedings of ward meetings.

SECT. 6. [On the second Monday of December]¹ annually, the qualified voters in each ward shall give in their votes for mayor, aldermen, and common councilmen, as provided in the preceding section; and all the votes so given shall be assorted, counted, declared and registered in open ward meeting, by causing the names of the persons voted for, and the number of votes given for each to be written in the ward records in words at length. The clerk of the ward, within twenty-four hours after such election, shall deliver to the persons elected members of the common council, certificates of their election, signed by the warden and clerk, and by a majority of the inspectors of elections, and shall deliver to the city clerk a copy of the records of such elections, certified in like manner; *provided, however*, that if the choice of the common councilmen shall not be effected on that day, the meeting may be adjourned from time to time, to complete such election. The board of aldermen shall, as soon as conveniently may be, examine the copies of records of the several wards, certified as aforesaid, and shall cause the person who may have been elected mayor to be notified in writing of his election; [but if it shall appear that no person has received a majority of all the votes,]²

Certificates of election.

¹ Amended by Chap. 140, Acts of 1872: Election to be held on Tuesday next after the second Monday in December.

² By amendment to the Constitution, in elections for civil officers by the people, the person receiving a plurality of votes shall be deemed and declared to be elected. [G. S. c. 7, §14.]

or if the person elected shall refuse to accept the office, the board shall issue their warrants for a new election, and the same proceedings shall be had as are hereinbefore provided for the choice of a mayor, and repeated from time to time until a mayor shall be chosen.

In case of the decease, resignation or absence of the mayor, or his inability to perform the duties of his office, it shall be the duty of the board of aldermen and common council, in convention, to elect a mayor to serve during the unexpired term, or until the occasion causing the vacancy is removed. And if it shall appear that the number of aldermen have not been elected, the same proceedings shall be had as are hereinbefore provided for the choice of mayor. Each alderman shall be notified in writing of his election, by the mayor and aldermen for the time being.

To supply
vacancy in
the office of
mayor

The oath prescribed by this act shall be administered to the mayor by the city clerk, or any justice of the peace for the county of Essex.

Mayor's
oath.

The aldermen and councilmen elect shall, on the first Monday in January, at 10 o'clock in the forenoon, meet in convention, when the oath required by this act shall be administered to the members of the two boards present, by the mayor, or by any justice of the peace for the county of Essex; and a certificate of such oath having been taken shall be entered on a journal of the mayor and aldermen, and of the common council, by their respective clerks.

Organiza-
tion of city
government

Notice to convention when no mayor is elected.

And whenever it shall appear that no mayor has been elected, previously to the said first Monday in January, the mayor and aldermen, for the time being, shall make a record of that fact, an attested copy of which the city clerk shall read at the opening of the convention to be held as aforesaid.

Organization of common council.

After the oath has been administered, as aforesaid, the two boards shall separate, and the common council shall be organized by the choice of a president and clerk, who shall be sworn to the faithful performance of their duties.

In absence of mayor at first meeting.

In case of the absence of the mayor elect on the first Monday in January, the city government shall organize itself in the manner hereinbefore provided, and may proceed to business in the same manner as if the mayor were present, and the oath of office may be administered to the mayor at any time thereafter, in a convention of the two branches.

Chairman pro tem. (Amended, c. 198 of 1876)

In the absence of the mayor, the board of aldermen may choose a chairman *pro tempore*, who shall preside at joint meetings of the two boards.

Each board to judge of its own members, &c.

Each board shall keep a record of its own proceedings, and judge of the election of its own members; and in case of failure of an election, or in case of any vacancy declared by either board, the mayor and aldermen shall order a new election.

Duties of mayor.

SECT. 7. The mayor thus chosen and qualified shall be the chief executive officer of

said city; it shall be his duty to be vigilant in causing the laws and regulations of the city to be enforced, and to exercise a general supervision over the conduct of all subordinate officers, and to cause their neglect of duty to be punished; he may call special meetings of the boards of aldermen and common council, or either of them, when necessary, in his opinion, by causing notices to be left at the places of residence of the several members; he shall communicate, from time to time, to both of them, such information, and recommend such measures, as, in his opinion, the interests of the city may require; he shall preside in the board of aldermen, and in convention of the two boards, but shall have a casting vote only. And the mayor shall receive no compensation for his services.

Amended.
c. 198 of 1876

SECT. 8. The executive power of said city generally, and the administration of the police, with all the powers heretofore vested in the selectmen of Newburyport, shall be vested in, and may be exercised by, the mayor and aldermen, as fully as if the same were herein specially enumerated.

Executive power in the mayor and aldermen.

The mayor and aldermen shall have full and exclusive power to appoint a constable and assistants, with the powers and duties of constables, and all other police officers, and the same to remove at pleasure. And the mayor and aldermen may require any person who may be appointed marshal or constable of the city to give bonds for the faithful discharge of

Police officers.

To give bonds if required.

the duties of the office, with such security and to such amount as they may deem reasonable and proper; upon which bonds the like proceedings and remedies may be had as are by law provided in the case of constables' bonds taken by the selectmen of towns.

Mayor and aldermen to perform certain duties.

The mayor and alderman shall perform the duty imposed upon the selectmen by the town of Newburyport, by the fifth section of an act to annex a part of the town of Newbury to Newburyport, enacted the 17th day of April, eighteen hundred and fifty-one, and shall be liable to the forfeiture therein prescribed, if they neglect so to do.

The custody, and visitation of all trust funds, now vested in the selectmen of Newburyport, shall be transferred to and vested in the mayor and alderman.

Certain officers, how appointed.

All other powers now vested in the inhabitants of said town, and all powers granted by this act, shall be vested in the mayor and aldermen and common council of said city, to be exercised by concurrent vote, each board to have a negative upon the other; but the city council shall, annually, as soon after their organization as may be convenient, elect, by joint ballot, in convention, a city treasurer, collector of taxes, (three assessors and three assistant assessors), and a city clerk, and shall, in such manner as said city council may determine by any by-law made for the purpose, appoint or elect all subordinate officers not herein otherwise directed, for

Amended (See additional act.)

the ensuing year, define their duties, and fix their compensations, in cases where such duties and compensations shall not be defined and fixed by the laws of the commonwealth.

All sittings of the mayor and aldermen, of the common council, and of the city council, shall be public, when they are not engaged in executive business. Sittings public.

The city council shall take care that money shall not be paid from the treasury unless granted or appropriated; shall secure a just and prompt accountability, by requiring bonds, with sufficient penalty and sureties, from all persons entrusted with the receipt, custody, or disbursement of money; shall have the care and superintendence of city buildings, and the custody and management of all city property, with power to let or sell what may be legally let or sold; and to purchase property, real or personal, in the name and for the use of the city, whenever its interests or convenience may, in their judgment, require it. Appropriations.

And the city council shall, as often as once a year, cause to be published, for the use of the inhabitants, a particular account of receipts and expenditures, and a schedule of city property. Receipts and Expenditures.

SECT. 9. In all cases in which appointments are directed to be made by the mayor and aldermen, the mayor shall have the exclusive power of nomination, being subject, however, to confirmation or rejection by the Mayor to nominate officers.

Members of city council not eligible to offices of emolument.

board of aldermen; and no person shall be eligible to any office of emolument, the salary of which is payable out of the city treasury, who, at the time of such appointment, shall be a member of the board of aldermen or of the common council.

Duties of city clerk.

SECT. 10. The city clerk shall also be clerk of the board of aldermen, and shall be sworn to the faithful performance of his duties. He shall perform such duties as shall be prescribed by the board of aldermen; and he shall perform all the duties and exercise all the powers by law incumbent upon, or vested in, the town clerk of the town of Newburyport.

Overseers of the poor. (Amended, see additional act.)

SECT. 11. The qualified voters of each ward, at their respective annual ward meetings, shall elect, by ballot, one person in each ward, who shall be a resident of the ward, to be an overseer of the poor; and the persons thus chosen shall constitute the board of overseers of the poor, and shall have all the powers, and be subject to all the duties, now by law appertaining to the overseers of the poor for the town of Newburyport.

School committee. (Amended, see additional act.)

And the qualified voters shall, at the same time and in like manner, elect two persons in each ward, who shall be residents of the ward, to be members of the school committee, and the persons so chosen shall constitute the school committee, and have the care and superintendence of the public schools.

Assessors' duties.

The assessors, to be chosen as hereinbefore

provided, shall constitute the board of assessors, and shall exercise the same powers, and be subject to the same duties and liabilities, that the assessors in the several towns in the commonwealth may exercise, or be subject to, under existing laws, and shall be sworn, as shall also the assistant assessors, to the faithful performance of their duty.

All taxes shall be assessed, apportioned and collected, in the manner prescribed by the laws of the commonwealth; *provided, however,* that the city council may establish further or additional provisions for the collection thereof.

Council may make a further provision for collection of taxes, &c.

In case it should be found inconvenient to complete the election, in any ward, of the overseers of the poor and the school committee, on the day of the annual ward meeting, said meeting shall be adjourned, from time to time, until the election shall be completed.

Meetings may be adjourned.

SECT. 12. An act establishing the fire department in the town of Newburyport, passed March fifth, eighteen hundred and thirty, shall continue in force, and all the power and authority now vested in the selectmen of Newburyport, in relation to the fire department, in that town, shall be transferred to and vested in the mayor and aldermen.

Fire department.

SECT. 13. The list of jurors shall be prepared by the mayor and aldermen, in the same manner as it is required in the ninety-fifth chapter of the Revised Statutes, to be done by the selectmen, within and for their respective towns; and the list, when made out by

List of jurors, how prepared.

the mayor and aldermen, shall be submitted to the common council, for concurrent revision or amendment.

The mayor and aldermen, and the city clerk, shall severally have and exercise, all the powers and duties, with regard to the drawing of jurors, in the city, and all other matters relating to jurors therein, which are, in the ninety fifth chapter of the Revised Statutes, required to be performed by the selectmen and town clerks, in their respective towns; and all venirens for jurors to be returned from Newburyport, shall be served on said mayor and aldermen.

Streets and town ways.

SECT. 14. The mayor and aldermen, with the concurrent vote of the common council, shall have exclusive power to lay out, alter, or discontinue, any street or town way, and to estimate the damages any individual may sustain thereby.

And any person dissatisfied with the decision of the city council, in the estimate of damages, may make complaint to the county commissioners of the county of Essex, at any meeting held within one year after such decision, whereupon the same proceedings shall be had as are by law provided in cases where persons are aggrieved by the assessment of damages by the selectmen, in the twenty-fourth chapter of the Revised Statutes.

Drains, &c.

SECT. 15. The mayor and aldermen, with the concurrent vote of the common council, shall have the power to cause drains and com-

mon sewers to be laid down through any streets or private lands, paying the owners such damage as they may sustain thereby, and to require all persons to pay a reasonable sum for the privilege of opening any drain into such public drain or common sewer.

And the city council may make by-laws, with suitable penalties, for the inspection, survey, measurement, and sale of lumber, wood, coal and bark, brought into the city for sale.

Inspection
of lumber,
&c.

SECT. 16. All power and authority now vested by law in the board of health for the town of Newburyport, or in the selectmen thereof, shall be transferred to and vested in the city council, to be by them exercised in such manner as they may deem expedient.

Health.
(Amended,
c. 138 of 1877)

SECT. 17. The mayor and aldermen shall, in each year, issue their warrants for calling meetings for the election of the whole number of representatives to the General Court, to which said city is by law entitled, and the number shall be specified in the warrant.

Representa-
tives.

SECT. 18. All elections for County, State, and United States officers, who are voted for by the people, shall be held at meetings of the citizens qualified to vote in such elections, in their respective wards, at the time fixed by law for these elections respectively; and at such meetings, all the votes given for such officers respectively, shall be assorted, counted, declared and registered, in open ward meeting, by causing the names of all persons voted for, and the number of votes given for

Election of
County,
State, and
United
States off-
cers.

City clerk
to record
returns.

each, to be written in the ward records in words at length. The ward clerk shall forthwith deliver to the city clerk a certified copy of the record of such elections. The city clerk shall forthwith record such returns, and the mayor and alderman shall, within two days after every such election, examine and compare all such returns, and make out a certificate of the result of such elections, to be signed by the mayor and a majority of the aldermen, and also by the city clerk, which shall be transmitted or delivered in the same manner as similar returns are by law directed to be made by selectmen of towns. And in all elections for representatives to the General Court, in case the whole number proposed to be elected shall not be chosen by a majority of the votes legally returned, the mayor and aldermen shall forthwith issue their warrant for a new election conformably to the provisions of the constitution and laws of the commonwealth.¹

Lists of
voters.

SECT. 19. Prior to every election, the mayor and aldermen shall make out lists of all the citizens of each ward qualified to vote in such elections, in the manner in which selectmen of towns are required to make out lists of voters; and, for that purpose, they shall have full access to the assessors' books and lists, and be entitled to the assistance of all assessors and city officers; and they shall deliver said lists, so prepared and corrected, to the clerks of

¹ See Chap. 144 of 1863 ; 240 of 1867 ; 40 of 1871 ; 270 of 1872.

said wards, to be used at such elections; and no person shall be entitled to vote whose name is not borne on such lists.

SECT. 20. General meetings of the citizens qualified to vote may, from time to time, be held, to consult upon the public good, to give instructions to their representatives, and to take all lawful measures to obtain redress for any grievances, according to the right secured to the people by the constitution of the commonwealth. General meetings.

And such meeting may and shall be duly warned by the mayor and aldermen, upon the requisition of fifty qualified voters.

SECT. 21. The city council shall have power to make all such salutary and needful by-laws as towns, by the laws of this commonwealth, have power to make and establish, and to annex penalties, not exceeding twenty dollars, for the breach thereof; which by-laws shall take effect, and be in force, from and after the time therein respectively limited, without the sanction of any court or other authority whatever; *provided, however,* that all laws and regulations now in force in the town of Newburyport shall, until they expire by their own limitation, or be revised or repealed by the city council, remain in force; and all fines and forfeitures for the breach of any by-law or ordinance shall be paid into the city treasury. By-laws.

SECT. 22. All fines, forfeitures, and penalties, accruing for the breach of any by-laws Fines for breach of by-laws.

of the city of Newburyport, or of any ordinances of the city council, or of any of the orders of the mayor and aldermen, may be prosecuted for and recovered before the police court of the said city of Newburyport, by complaint or information, in the same manner in which other criminal offences are now prosecuted before the police courts within this commonwealth; reserving, however, in all cases, to the party complained of and prosecuted, the right of appeal, to the court of common pleas then next to be held in the county of Essex, from the judgment and sentence of the police court.

Appeals—
G. S., c. 178
sect. 1.

And the appeal shall be allowed on the same terms, and the proceedings shall be conducted therein in the same manner, as provided in the one hundred and thirty-eighth chapter of the Revised Statutes of this commonwealth.

Offences—
how set
forth.

And it shall be sufficient, in all such prosecutions, to set forth, in the complaint, the offence, fully, plainly, substantially, and formally: and it shall not be necessary to set forth such by-law, ordinance, or order, or any part thereof.

Fines to be
paid into
city treasury.

All fines, forfeitures, and penalties, so recovered and paid, shall be paid to the treasurer of the city of Newburyport, and shall enure to such uses as said council shall direct.

Convictions
before the
police court

When any person, upon any conviction before the police court for any breach of any by-law of said city of Newburyport, or any of

the ordinances of the city council, or any of the orders of the mayor and aldermen, shall be sentenced to pay a fine, or ordered to pay any penalty or forfeiture provided by any such by-law, ordinance, or order, or upon claiming an appeal, shall fail to recognize for his appearance at the court appealed to, and there to prosecute his appeal, and to abide the sentence or order of the court thereon, and, in the mean time, to keep the peace and be of good behavior; and, upon not paying the fine, penalty, or forfeiture, and cost, so assessed upon him, he shall be committed to prison, there to remain until he or she shall pay such fine, forfeiture, or penalty, and costs, or be otherwise discharged, according to law.

The provisions of this section shall also apply to all prosecutions founded on the by-laws and ordinances of the town of Newburyport, which may continue in force after this act shall go into operation, and all the powers of the police court, already established, shall be continued to it.

Prosecu-
tions found
ed on the
by-laws of
the town.

SECT. 23. For the purpose of organizing the system of government hereby established, and putting the same into operation, in the first instance, the selectmen of the town of Newburyport, for the time being, shall, within thirty days after the acceptance of this act, issue their warrants, seven days at least previous to the day so appointed, for calling meetings of the said citizens, at such place and hour as they may deem expedient, for the purpose of

First organ-
ization of
city govern-
ment.

choosing a warden, clerk, and inspectors, for each ward, and all other officers whose election is provided for in the preceding sections of this act; and the transcripts of the records of each ward, specifying the votes given for the several officers aforesaid, certified by the warden and clerk of each ward at such first meeting, shall be returned to the said selectmen, whose duty it shall be to examine and compare the same; and, in case said elections should not be completed at the first meeting, then to issue new warrants, until such elections shall be completed, and to give notice thereof, in the manner hereinbefore provided, to the several persons elected.

First election under city charter

And, at said first meeting, any inhabitant of said ward, being a legal voter, may call the citizens to order, and preside until a warden shall have been chosen. And, at said first meeting, a list of voters in each ward, prepared and corrected by the selectmen for the time being, shall be delivered to the clerk of each ward, when elected, to be used as hereinbefore provided. And the selectmen shall appoint such time for the first meeting of the city council as they may judge proper, after the choice of city officers, as aforesaid, or a majority of the members of both branches, in the year one thousand eight hundred and fifty one, and shall also fix upon the place and hour of said first meeting, and a written notice thereof shall be sent, by said selectmen, to the place of abode of each of the city officers chosen as provided in this section.

And after this first election of city officers, and this first meeting for the organization of the city council, as in this section is provided, the day of holding the annual elections, and the day and hour for the meeting of the city council, for the purpose of organization, shall remain as provided in the sixth section of this act. And it shall be the duty of the city council, immediately after the first organization, to elect all necessary city officers, who shall hold their offices respectively until others are chosen and qualified.

Organiza-
tion there-
after.

SECT. 24. All officers of the town of Newburyport, having the care and custody of any records, papers, or muniments of property belonging to said town, shall deliver the same to the city clerk, within one week after his entering upon the duties of his office.

City clerk
to have cus-
tody of all
records, &c.

SECT. 25. All such acts and parts of acts as are inconsistent with the provisions of this act shall be, and the same are, hereby repealed.

Repeal.

SECT. 26. Nothing in this act contained shall be so construed as to prevent the Legislature from altering or amending the same whenever they shall deem it expedient.

Power of
Legislature
over this
charter.

SECT. 27. This act shall be void, unless the inhabitants of the town of Newburyport, at a legal meeting called for that purpose, at which the selectmen shall preside, and the check list used in the same manner as at meetings called to choose State officers, and the polls kept open at least six hours, shall, by a vote of the majority of the voters present and

Act to be
submitted
to the in-
habitants.

voting thereon, yea or nay, by a written ballot, determine to adopt the same, within twenty days from and after its passage.

SECT. 28. This act shall go into operation from and after its passage.

[Approved May 24, 1851.]

[Accepted June 3, 1851.]

AMENDMENTS TO CITY CHARTER.

AN ACT IN ADDITION TO AN ACT TO ESTABLISH THE CITY OF NEWBURYPORT.

[Chapter 333 of the Acts of 1851.]

Each ward
to elect one
alderman.

SECTION 1. The act passed at the present session of the General Court, to establish the city of Newburyport, is amended and altered, so that the six aldermen of the said city provided for by the said act shall be elected, one by and from the qualified voters of each ward, voting in their respective wards, in the manner prescribed for the election of members of the common council.

To be sub-
mitted to
the inhabi-
tants.

SECT. 2. This act shall be submitted to the inhabitants of the town of Newburyport, for their acceptance or rejection, at the same time and in the same manner with the act in which it is in addition, and shall be in force from and after its acceptance by said inhabitants.

[Approved May 24, 1851.]

[Accepted June 3, 1851.]

AN ACT IN ADDITION TO AN ACT TO ESTABLISH THE CITY
OF NEWBURYPORT.

[Chapter 129 of the Acts of 1863.]

SECTION 1. The qualified voters of the city of Newburyport, at their respective annual ward meetings, shall elect at large, by ballot, three persons to be overseers of the poor; and the persons thus chosen shall constitute the board of overseers of the poor; said board of overseers shall quarterly, on or before the fifth days of March, June, September, and December, in each year, make returns to the city council of the names of all those who have received assistance from the city, for any portion or the whole of the quarters ending on the last days of the months immediately preceding said returns, with the amount received by each. All supplies shall be purchased, and all aid dispensed, in such manner as the city council may direct.

Overseers
of the poor
to be cho-
sen.Duties de-
fined.

SECT. 2. The mayor, president of the common council, and the city treasurer, shall constitute a board of auditors, whose duty it shall be to examine all the accounts, acts, and doings of the said board of overseers, and shall annually, on or before the first Monday in December, make a report to the city council, of all such matters relating to all disbursements by said board of overseers, whether as trustees under the wills of Margaret Atwood and Timothy Dexter, or otherwise, as they may deem the public good to require.

Board of
auditors—
duties.

SECT. 3. So much of the two hundred and

Repeal.

ninety-sixth chapter of the acts of the year one thousand eight hundred and fifty-one, and all other acts, inconsistent herewith, are hereby repealed.

Act void unless accepted.

SECT. 4. This act shall be void unless the inhabitants of the city of Newburyport, at a legal meeting called for that purpose within ninety days after the passage of this act, shall by a vote of a majority of the voters present and voting thereon, yea or nay, by a written ballot, determine to adopt the same.

[*Approvea* April 4, 1863.]

[*Accepted* June 29, 1863.]

AN ACT IN ADDITION TO AN ACT TO ESTABLISH THE CITY OF NEWBURYPORT.

[Chapter 86 of the acts of 1864.]

Board of aldermen, how chosen

SECTION 1. The qualified voters of the city of Newburyport, at their respective annual ward meetings, shall elect at large, by ballot, six persons, one of whom shall be selected from each ward, to be aldermen; and the persons thus chosen shall constitute the board of aldermen, and shall hold their offices for one year from the first Monday in January, and until others shall be elected and qualified.

Repeal.

SECT. 2. Chapter three hundred and thirty-three, of the acts of the year one thousand eight hundred and fifty-one is hereby repealed.

Act how and when to take effect.

SECT. 3. This act shall be submitted to the inhabitants of Newburyport, for their acceptance or rejection, at legal meetings to be called in the several wards of said city within

ninety days from the passage of this act, and shall take effect from and after its acceptance by a majority of the votes cast at such meetings.

[*Approved* March 11, 1864.]

[*Accepted* May 23, 1864.]

AN ACT AMENDING AN ACT TO ESTABLISH THE CITY OF
NEWBURYPORT.

[Chapter 251 of the Acts of 1868.]

The act to establish the city of Newburyport, approved the twenty-fourth day of May in the year eighteen hundred and fifty-one, is hereby so amended that the two members of the school committee—to be elected by the voters of each ward of said city, at the next municipal election after the passage of this act,—shall, at the meeting for the organization of said school committee, be divided by lot into two classes; those of the first class to serve for one year, and those of the second class to serve for two years; and thereafter, at the municipal elections of said city, there shall be elected in each ward, one resident of said ward, who shall be a member of the school committee of said city for the term of two years.

School committee to be divided into classes.

[*Approved* May 28, 1868.]

AN ACT IN ADDITION TO AN ACT TO ESTABLISH THE CITY
OF NEWBURYPORT.

[Chapter 107 of the Acts of 1873.]

SECTION 1. The city council of the city of Newburyport shall, in the month of January, in the year eighteen hundred and seventy-four,

Assessors to serve three years.

elect, in convention, three persons to be assessors of taxes, one to serve for three years, one for two years, and one for one year, and until their successors are chosen; and thereafter the city council shall annually, in the month of January, elect in the same manner one person to hold said office for the term of three years. The city council may, in like manner, fill any vacancy occurring in said board, and may provide such clerical aid as may be necessary, define the duties, and fix the compensation of said officers.

May be provided with clerical aid.

Assistant assessors not to be elected.

SECT. 2. So much of section eight of chapter two hundred and ninety-six of the acts of eighteen hundred and fifty-one as provides for the election of assistant assessors is repealed.

[Approved March 24, 1873.]

AN ACT TO AMEND THE CHARTER OF THE CITY OF NEWBURY-
PORT.

[Chapter 103 of the Acts of 1875.]

SECTION 1. The mayor of the city of Newburyport shall be, *ex officio*, a member of the school committee of said city and chairman of the board.

Mayor to be chairman of school committee.

SECT. 2. This act shall take effect, if accepted by the legal voters of said city voting in their respective wards at the next annual meeting for the choice of municipal officers.

[Approved April 7, 1875.]

[Accepted Dec. 14, 1875.]

SPECIAL LAWS

SPECIAL LAWS.

[Extract from "The Records of the Colony of Massachusetts Bay in New England."]

Att the Gen'ral Court, holden at New Towne, May 6th, 1635.

"Wessacucon is allowed by the Court to be a plantacon, & it is referd to M^r. Humfry, M^r. Endicott, Capt. Turner, & Capt. Traske, or any three of them, to sett out the bounds of Ipsw^{ch} and Wessacucon, or soe much thereof as they can, & the name of the said plantacon is changed, & hereafter to be called Neweberry.

Further, it is ordered, that it shalbe in the power of the Court to take order that the said plantacon shall receive a sufficient company of people to make a competent towne."

AN ACT FOR ERECTING PART OF THE TOWN OF NEWBURY INTO A NEW TOWN BY THE NAME OF NEWBURYPORT.

"Anno Regni Regis Georgii Tertii Quarto.

Be it enacted by the Governor, Council, and House of Representatives, That that part of the said town of Newbury, and the inhabitants thereof, included within the following lines, viz :

Beginning at the Merrimack river, against the northeasterly end of the town way, commonly called Cottle's Lane, and running as the said Lane doth, on the eastwardly side of it, to the highway commonly called the High street, and so westwardly as the said highway runs on the northwardly side thereof, till it comes to a highway known by the name of Fish street, and thence southwestwardly as the way goes, and on the eastwardly side thereof, leading by Benjamin Moody's to a place called the West Indies, until it intersects a straight

line drawn from the southwestwardly side of the highway, against Cottle's Lane, as aforesaid, to a rock in the great pasture, near the dividing line between the third and fifth parishes there, and so as the straight line goes, until it comes to the dividing line aforesaid, from thence as the said dividing line runs, by the said fifth parish down to Merrimack river, and thence along said river to the place first mentioned, be, and hereby are constituted and made a separate and distinct town by the name of Newburyport, vested and endowed with all the powers, privileges, and immunities that the inhabitants of any of the towns within this province do, or ought by law to enjoy.

FRANCIS BERNARD, *Governor*.

The twenty-eighth day of January, one thousand seven hundred and sixty-four, Anno Domini."

AN ACT TO ANNEX A PART OF THE TOWN OF NEWBURY TO THE TOWN OF NEWBURYPORT.

[Chapter 54 of the Acts of 1851.]

SECTION 1. So much of the town of Newbury, in the County of Essex, as lies within the following named lines, to wit: beginning at the northerly boundary of Newburyport, on the Merrimack river, thence running by the Newbury line in the said river to the line of West Newbury, at the mouth of Artichoke river, thence up the said last named river, and through the middle thereof about five hundred and seventy-two rods and twenty-two links, to a place on the said stream known as the "New Log," thence south twenty-five degrees, east about three hundred and sixty rods to the most easterly corner of West Newbury, thence in a direct line northeasterly to the westerly corner of Newburyport, thence by the line of Newburyport to the southerly side of a stream called Little river, thence by the southerly side of the said last mentioned stream to the southeasterly side of the road at Clark's bridge, so called, thence on a straight line to an elm tree, near the Newburyport turnpike, on land of Daniel Coleman, southerly of said Coleman's house, thence to the northerly side of Marlborough street, on High street, thence to the most southerly bend of the Plum Island turnpike, thence on a straight line to the ocean, four rods southerly of the light-keeper's house on Plum Island, thence by the ocean to the Salisbury line,

thence by the line of Salisbury to Newburyport, with all the inhabitants and estates thereon, is hereby set off from the town of Newbury and annexed to the town of Newburyport; and the said inhabitants shall hereafter be considered inhabitants of Newburyport, and shall enjoy all the rights and privileges, and be subject to all the duties and liabilities of the inhabitants of the said town. Provided, however, that for the purpose of electing the representatives to the General Court, to which the said town of Newbury is entitled until the next decennial census shall be taken, in pursuance of the thirteenth article of amendments to the constitution, the said territory shall remain and continue to be a part of the town of Newbury, and the inhabitants resident therein, shall be entitled to vote in the choice of such representatives, and shall be eligible to the office of representative in the town of Newbury, in the same manner as if this act had not been passed.

SECT. 2. The said inhabitants and estates so set off shall be liable to pay all taxes that may have been legally assessed on them by the town of Newbury, in the same manner as if this act had not been passed, and the town of Newburyport shall be holden to pay their just and equitable proportion of the debts of Newbury, and shall also be entitled to receive their just and equitable proportion of all the property owned by the town of Newbury, the said proportions to be ascertained by the taxes paid by the inhabitants, and upon the property assessed, in the part set off and the part remaining, the past year.

SECT. 3. The said towns of Newbury and Newburyport shall be respectively liable for the support of all persons who now do or shall hereafter stand in need of relief, as paupers, whose settlements were gained by or derived from a residence on their respective territories. Provided that nothing in this act shall affect any agreement heretofore made between the towns of Newbury and Newburyport for the support of paupers.

SECT. 4. In case the said towns shall not agree on a division of property, debts, paupers, and all other existing town liabilities, the Court of Common Pleas for the county of Essex, shall upon the petition of either of the said towns, appoint three competent and disinterested persons to hear the parties and award thereon, and their award, accepted by the Court, shall be final. Provided, however, that until the division of said property as aforesaid, the same shall be and remain under the control of the town of Newbury, and the inhabi-

tants of Newbury may hold their town meetings in the town house as heretofore.

SECT. 5. The selectmen of Newburyport shall annually, fourteen days at least before the second Monday of November, furnish the selectmen of Newbury, a correct list, so far as may be ascertained from the records of the town of Newburyport or any of its officers, of all persons resident on the territory hereby set off who shall be entitled to vote for representatives as aforesaid in Newbury; and for every neglect by the said selectmen, so to furnish such list, the town of Newburyport shall forfeit the sum of one hundred dollars; and for the making of any false return in respect to any part of such list, shall forfeit the sum of twenty dollars for every name in respect to which a false return shall have been made, to be recovered in the same manner as is provided by the fourth section of the third chapter of the Revised Statutes, in respect to penalties for neglect or false returns of collectors of towns.

SECT. 6. The said towns of Newbury and Newburyport may at town meetings, duly notified within seven days after the passage of this act, grant and vote such sums of money as they may respectively judge necessary, for all purposes authorized by law, and reconsider, modify and change any votes on that subject passed at their annual meeting the present year.

SECT. 7. This act shall take effect from and after its passage.
[Approved April 17, 1851.]

AN ACT TO ESTABLISH A FIRE DEPARTMENT IN THE TOWN OF NEWBURYPORT.

[Chapter 58 of the Acts of 1829.]

SECTION 1. Be it enacted by the Senate and House of Representatives in General Court assembled, and by authority of the same: That the fire department of the town of Newburyport shall consist of a chief engineer, and as many engineers, or fire wardens, not exceeding twelve in number, as the selectmen of said town shall, annually, on the first Wednesday of April, appoint, who shall hold their office for the term of one year, from the first of May next succeeding their appointment; also, of as many enginemen, hosemen, hook and ladder men, and clothmen, as

said selectmen shall, annually, on the first Wednesday in April, or as soon after as may be, appoint, provided that the number of firemen so appointed shall not exceed fifty men to each and every hydraulion; thirty-five men to each and every common engine; and five men to each and every hose carriage; that the number of hook, ladder and clothmen shall not exceed fifty, and that the number of hosemen shall not exceed fifty.

SECT. 2. That the selectmen of said town shall have power to fill any vacancy which may occur at any time in said fire department, give certificates of all appointments, and fix and ordain from time to time the powers and duties of the chief engineer and engineers, or fire wardens, respectively, in relation to fire engines, and all other fire apparatus belonging to or used in said town, and also to fix and ordain, from time to time, such rules and regulations as may be deemed expedient for the government of said fire department, and of the citizens present at fires, and to annex penalties for the breach of any rules or regulations that they may so fix and ordain, not exceeding twenty dollars.

SECT. 3. That the chief engineer and engineers, or fire wardens, so appointed, shall have the same authority relative to demolishing or injuring any house, or other building, to prevent the spreading of fires in said Newburyport, and in all other matters relating thereto, as fire wardens now by law have; and said town shall be liable to pay to any person or persons, whose property may be so destroyed or injured by direction of said chief engineer or engineers, or fire wardens, as the towns in said commonwealth are now liable to pay in like circumstances, for the acts and directions of fire wardens; and all fines and forfeitures arising in said town in pursuance of the existing laws of this commonwealth, upon the subject, shall be appropriated in such manner, and for such purposes, as the said town, at any town meeting, duly warned for that purpose, shall determine, anything in said laws to the contrary notwithstanding.

SECT. 4. That the members of said fire department shall be exempted from the performance of service in the militia of this commonwealth, in like manner and upon like conditions as enginemen are now exempted by law.

SECT. 5. That the selectmen of said town of Newburyport are hereby authorized to call a meeting of the inhabitants of said town, to organize a fire department, agreeably to the provisions of this

act, by warning the inhabitants in the usual way of calling town meetings in said town, and by causing a notice thereof to be published in the Newburyport Herald, a public newspaper printed in Newburyport.

SECT. 6. That when the said town of Newburyport shall have fully organized a fire department, agreeably to the provisions of this act, and the same shall have been accepted¹ by the inhabitants thereof qualified to vote in town affairs, in town meeting for that purpose duly assembled, the same shall remain in force until modified or repealed by the legislature of this commonwealth; and all the laws relating to fire warden and enginemen in said town, which are inconsistent with the provisions of this act, shall be and are hereby repealed.

[*Approved* March 5, 1830.]

AN ACT REQUIRING RETURNS RELATING TO FIRES.

[Chapter 104 of the Acts of 1878.]

SECTION 1. The mayor and aldermen of each city, and the selectmen of each town in this commonwealth, shall annually in the month of January, return to the insurance commissioner a statement showing the number of fires which have occurred in their respective cities and towns during the preceding year. Such return shall also state the names of the owners or occupants of the premises damaged or destroyed, the cause or origin of the fire, if known, the amount of loss or damage and the insurance thereon.

SECT. 2. The insurance commissioner shall in due season prepare and forward to the officials named, blanks suitable for making the returns required by the first section of this act, and shall include in his annual report to the legislature a condensed statement of statistics derived from such returns.

SECT. 3. This act shall take effect upon its passage.

[*Approved* April 3, 1878.]

1. Act accepted March 27, 1833; Fire Department organized April 10, 1833.

AN ACT TO INCORPORATE THE NEWBURYPORT AND AMESBURY HORSE RAILROAD COMPANY.

[Chapter 53 of the Acts of 1864.]

SECTION 1. Eben F. Stone, Albert Currier, Joseph B. Morss, their associates and successors, are hereby made a corporation by the name of the Newburyport and Amesbury Horse Railroad Company, with power to construct, maintain and use a railway with convenient single or double tracks, commencing at such points in the city of Newburyport, and thence upon and over such streets and highways of said city, as may from time to time be fixed and determined by the mayor and aldermen thereof, and assented to in writing by said corporation; thence upon and over such of the streets and highways of the town of Salisbury as may be from time to time fixed and determined by the selectmen of said town, with the written assent of said corporation; thence over and upon such of the streets and highways of said town of Amesbury as may be from time to time fixed and determined by the selectmen of said town, with the written assent of said corporation.

SECT. 2. This railroad shall be operated with horse power only.

SECT. 3. The capital stock of this corporation shall not exceed the sum of one hundred and twenty thousand dollars, to be divided into shares of one hundred dollars each; and no share shall be issued until the par value thereof has been actually paid into the treasury of the company, in cash.

SECT. 4. This corporation shall have power to hold and purchase such real estate as may be necessary or convenient for the purposes of this railroad.

SECT. 5. This railroad shall be constructed and maintained in such manner as the mayor and aldermen of Newburyport, and the selectmen of Salisbury and Amesbury, respectively, may prescribe; and whenever the corporation shall deem it necessary to alter the grade of any street or highway occupied by it, the assent of the mayor and aldermen of Newburyport, or the selectmen of Salisbury or Amesbury, as the case may be, shall first be obtained, and the same shall be made at the expense of this corporation.

SECT. 6. The mayor and aldermen of Newburyport, and the selectmen of Salisbury and Amesbury, respectively, shall have power at all times to make such regulations respecting the rate of speed and mode of use of the tracks as the public safety and convenience

may require, and shall also have power at any time after the expiration of one year from the opening for use of the tracks of said railroad in any of the streets or highways in which the same shall be laid, to determine that the said tracks or any part thereof shall be discontinued; and thereupon the location, as to such part, shall be deemed to be revoked; and such part shall, forthwith, be taken up and removed, in conformity to the direction of said mayor and aldermen or selectmen, as the case may be, at the expense of said corporation. But no such discontinuance of any part of the tracks shall be made without due notice of the time and place at which the corporation may be heard in relation thereto.

SECT. 7. The corporation hereby created may enter upon and use the bridge of the Essex Merrimac Company across the Merrimac river, entitled the Essex Merrimac bridge; and in the event of a disagreement between the corporation and the proprietors of said bridge, as to the rate of compensation, and the mode of use, the same shall be determined by the county commissioners for the county of Essex.

SECT. 8. This corporation shall keep and maintain in repair such portion of all streets and highways as shall be occupied by their tracks, and shall be liable for any loss or injury that any person may sustain, by reason of any carelessness or misconduct on the part of its agents or servants in the construction and management of the road.

SECT. 9. Nothing in this act shall be construed to prevent the authorities of Newburyport, or of the towns of Salisbury or Amesbury, respectively, from altering or repairing any of the streets or highways traversed by the tracks of this railroad, precisely as they might lawfully have done, if no such tracks existed.

SECT. 10. If any person shall wilfully and maliciously obstruct the agents of this corporation, in the passage of the cars on its tracks, he shall be punished by a fine not exceeding five hundred dollars, or by imprisonment for a term not exceeding three months. If the agents of this corporation shall wilfully and maliciously obstruct any street or highway, the corporation shall be punished by a fine not exceeding five hundred dollars.

SECT. 11. The city of Newburyport, and the towns of Amesbury and Salisbury, or either of them, may at any time, after the expiration of ten years from the opening of any part of this railroad for use, take possession and hold so much of this road as lies

within their respective limits, by paying therefor the actual cost in cash of the same, together with a net profit of ten per cent per annum, less the dividends paid thereon by the corporation and thereupon a portion of the franchise, corresponding to the portion of the road so taken by the said city or by either of said towns, shall be vested in said city or town.

SECT. 12. This corporation may fix, from time to time, the fare of passengers and the rate of compensation for the transportation of property; but, in the carriage of freight, the business must be so adjusted as not to interfere with the carriage of passengers.

SECT. 13. Said corporation shall be subject to the provisions of the sixty-eighth chapter of the General Statutes, and to all general laws which are or may be in force relating to horse railroad corporations.

SECT. 14. This act shall be void, so far as it relates to the right to construct a railroad in the city of Newburyport and in the towns of Amesbury and Salisbury, respectively, unless the same shall be accepted by the corporation, and by said city and towns, and unless said railroad shall be constructed within two years after the passage of this act.

SECT. 15. This act shall take effect upon its passage.

[Approved February 29, 1864.]

AN ACT TO REVIVE THE CHARTER OF THE NEWBURYPORT AND AMESBURY HORSE RAILROAD COMPANY.

[Chapter 165 of the Acts of 1871.]

SECTION 1. Chapter fifty-three of the acts of the year eighteen hundred and sixty-four, being an act to incorporate the Newburyport and Amesbury Horse Railroad Company, is hereby revived, and the time limited in said act for its acceptance and the construction of said railroad by the corporation, is hereby extended for two years from the passage hereof.

SECT. 2. This act shall take effect upon its passage.

[Approved April 5, 1871.]

AN ACT TO ENABLE THE CITY OF NEWBURYPORT AND THE TOWNS OF AMESBURY AND SALISBURY TO TAKE STOCK IN THE NEWBURYPORT AND AMESBURY HORSE RAILROAD COMPANY.

[Chapter 319 of the Acts of 1871.]

SECTION 1. The city of Newburyport is hereby authorized to subscribe for and hold shares in the capital stock of the Newburyport and Amesbury Horse Railroad Company to an amount not exceeding twenty-five thousand dollars, and the towns of Amesbury and Salisbury each to an amount not exceeding ten thousand dollars, and to pay for the same out of the treasury of said city and towns respectively, and to hold the same as city and town property, subject to the disposition of the said city and towns respectively, for public purposes, in like manner as any other property which they may possess respectively; *provided*, that two-thirds of the legal voters of said city and towns respectively, who may be present and voting thereon, shall vote so to do at any legal meetings called for that purpose by the mayor and aldermen of said city, and the selectmen of said towns respectively, within one year from the passage of this act.

SECT. 2. Said city and towns respectively are hereby authorized to raise by loan or tax any sum of money which shall be required to pay their respective installments on their respective subscription to said stock and the interest thereon respectively.

SECT. 3. The said city of Newburyport, by its mayor for the time being, and the selectmen of the towns of Amesbury and Salisbury, respectively for the time being, shall subscribe, in behalf of the said city and towns respectively, for such number of shares in the capital stock of said company as shall be voted by said city and towns respectively, and the said mayor and said selectmen respectively are hereby authorized to cast the vote of the said city and towns respectively in the choice of the directors of said company, and to appear and act in behalf of said city and towns respectively in the transaction of any business of said company, so long as said city or towns or either of them shall hold shares in said corporation.

SECT. 4. This act shall take effect upon its passage.

[Approved May 23, 1871.]

AN ACT TO INCORPORATE THE NEWBURYPORT CITY RAILROAD COMPANY.

[Chapter 398 of the Acts of 1869.]

SECTION 1. Isaac H. Boardman, Eben Sumner and Amos W. Mooney, their associates and successors, are hereby made a corporation by the name of the Newburyport City Railroad Company, with all the powers and privileges, and subject to all the duties, liabilities and restrictions set forth in all general laws which now are or hereafter may be in force relating to such companies.

SECT. 2. Said company may locate, construct, maintain and operate a railroad, with one or more tracks, from some convenient point upon the Newburyport railroad or the Eastern railroad within the limits of Newbury or Newburyport, to some convenient point within the limits of Newburyport, upon the shore of Merrimac river, at tide-water.

SECT. 3. Said company may enter with its road upon the Newburyport railroad or the Eastern railroad, and use the same according to law.

SECT. 4. Said company is hereby authorized to sell and transfer its franchise, and all its rights and property under this act, or to lease or mortgage its road and franchise or other property, to the Eastern Railroad Company or to the Boston and Maine Railroad Company, or to contract with any railroad company for the use of its rolling stock.

SECT. 5. The capital stock of said company shall not exceed one thousand shares of one hundred dollars each, the number of which shall be determined, from time to time, by a majority of the stockholders, each share counting one vote.

SECT. 6. The Eastern Railroad Company or the Boston and Maine Railroad Company may subscribe and hold stock in said company, not exceeding fifty thousand dollars: *provided*, that a majority of the stockholders of either of said roads present and voting at a legal meeting called for that purpose shall vote so to do.

SECT. 7. The city of Newburyport is hereby authorized to subscribe for and hold shares in the capital stock of said company, or to grant its credit in aid of the same to an amount not exceeding one per centum of its valuation for the year eighteen hundred and sixty-nine: *provided*, that a majority of the legal voters, of said city, present and voting by ballot, at a legal meeting called for the

purpose by the mayor and aldermen of said city, shall vote to accept this act. Said city may pay for such shares from its treasury, and is hereby authorized to raise by loan or tax any and all sums of money which may be necessary to pay for the same, and may hold or dispose of the same like other city property.

SECT. 8. The location of the tracks through the streets of Newburyport, and the mode of their construction and maintenance, shall be determined by the mayor and aldermen, who shall have power to make such regulations as to the rate of speed and mode of use through the streets of the city as the public convenience may require. And the said company or its assigns shall have power, with the consent of the mayor and aldermen, to alter the grade of any streets in which their tracks may be located, and the expense thereof shall be paid by them unless the mayor and aldermen shall otherwise determine.

SECT. 9. If any person shall wilfully and maliciously obstruct said company or its lessees or assigns in the use of said tracks, such person and all who shall be aiding or abetting therein shall be punished by a fine not exceeding five hundred dollars, or by imprisonment in the common jail not exceeding three months.

SECT. 10. If said company, its lessees or assigns, or their agents or servants, while in the use of said tracks, shall wilfully and maliciously obstruct any street, or the passing of any carriage over the same, it shall be punished by a fine not exceeding five hundred dollars.

SECT. 11. Nothing in this act shall be construed to prevent the mayor and aldermen of the city of Newburyport from exercising any power which by law they now have of discontinuing any street in which the said tracks may be laid, or to lay out any street crossing said track.

SECT. 12. Said company may connect the tracks hereby authorized to be constructed with the tracks of the Newburyport and Amesbury Horse Railroad Company, with the consent of the last named company; and the said horse railroad company may connect its tracks with, and use, for any purpose for which it may lawfully use its own tracks, the tracks hereby authorized to be constructed, with the consent of the Newburyport City Railroad Company; such use and connection, in either case, to be upon terms mutually agreed upon by said companies, and subject to the consent first obtained of the mayor and aldermen of said city.

SECT. 13. This act shall take effect upon its passage, and shall be void unless said road is located within two years, and constructed within four years, from the passage hereof.

[Approved June 12, 1869.]

AN ACT IN ADDITION TO AN ACT TO INCORPORATE THE NEWBURYPORT CITY RAILROAD COMPANY.

[Chapter 357 of the Acts of 1870.]

SECTION 1. Section two of chapter three hundred and ninety-eight of the acts of the year eighteen hundred and sixty-nine is hereby amended by inserting after the words "limits of" where they first occur in said section, the word "Salisbury;" section three of said act is hereby amended by inserting after the words "Eastern railroad" the words "or both;" and section four of said act is hereby amended by inserting after the words "Boston and Maine Railroad Company" the words "or to said companies jointly," and by adding at the end thereof the words "or to contract with any responsible parties for the operation of its road, but such contract shall not operate or be construed to exempt or relieve said Newburyport City Railroad Company from any duties, liabilities or restrictions to which said company now is or hereafter may be subject by law."

SECT. This act shall take effect upon its passage.

[Approved June 12, 1870.]

AN ACT TO AUTHORIZE THE CITY OF NEWBURYPORT TO DISCONTINUE CERTAIN COMMON LANDING-PLACES IN SAID CITY, AND FOR OTHER PURPOSES.

[Chapter 136 of the Acts of 1873.]

SECTION 1. License is hereby given to the city of Newburyport to discontinue all the common landing-places, known as town and public landings, situated between Central wharf and the point of intersection of the Newburyport City Railroad and Water street in said city, and to fill up, use and improve the flats where said land-

ing places now are, subject to the provisions of chapter four hundred and thirty-two of the acts of the year eighteen hundred and sixty-nine.

SECT. 2. This act shall take effect upon its passage.

[Approved March 29, 1873.]

AN ACT TO ESTABLISH A HARBOR LINE ON THE MERRIMAC RIVER
IN NEWBURYPORT.

[Chapter 316 of the Acts of 1873.]

SECTION 1. The line hereinafter described is hereby established as a line along the southerly side of Merrimac river in Newburyport, beyond which no wharf, pier or other structure shall ever hereafter be extended in or over the tide-water of the commonwealth.

SECT. 2. The said line begins at the northeasterly corner of the base of the southerly abutment of the Newburyport bridge over Merrimac river, and runs easterly in a straight line to a point distant ninety-five feet northerly from the northwesterly corner of Mercantile wharf, measuring on the line of the westerly side of said wharf extended; thence running easterly again in a straight line to the northeasterly corner of Cross' wharf; thence running easterly again in a straight line to the northwesterly corner of Commercial wharf; thence running easterly again along the northerly end of said wharf, to the northeasterly corner thereof; thence running easterly again in a straight line to the most northwesterly corner of Huse's solid pier.

SECT. 3. No wharf, pier, building, structure or incumbrance of any kind shall ever hereafter be extended beyond the said line into or over the tide-water of said river, nor shall any wharf, pier or other structure which is now erected on the inner side of said line extend further towards said line than said wharf, pier or structure now stands, or than the same might have been lawfully enlarged or extended before the passing of this act, without leave first obtained according to law.

SECT. 4. Every person or corporation offending against the provisions of this act shall be deemed guilty of a misdemeanor and

shall be liable to be prosecuted therefor by indictment or information in any court of competent jurisdiction, and on conviction shall be punished by a fine not less than one thousand dollars nor more than five thousand dollars for every offence, and any structure or obstruction which shall be made contrary to the provisions and intent of this act shall be liable to be removed and abated as a public nuisance in the manner provided for the removal and abatement of nuisances in the public highway, or in any other manner authorized by law.

[Approved May 29, 1873.]

AN ACT TO AUTHORIZE THE APPOINTMENT AND TO DEFINE THE DUTIES OF A HARBOR MASTER FOR THE PORT OF NEWBURYPORT.

[Chapter 31 of the Acts of 1876.]

SECTION 1. The board of mayor and aldermen of the city of Newburyport may appoint a harbor-master for the port of Newburyport, who shall continue in office until a successor is qualified, and who, before entering upon the duties of his office, shall give to the treasurer of said city a bond, which shall be satisfactory to the board of mayor and aldermen, in the sum of two thousand dollars, conditioned upon the faithful performance of his duties; and said harbor master shall have the power to appoint a deputy when, in the opinion of the board of mayor and aldermen, it is necessary; and such appointment shall be subject to their approval, and said board shall fix the salaries of both of said officers. Said harbor master shall enforce the provisions of this act.

SECT. 2. All vessels entering the said harbor shall be anchored according to the direction of the harbor master.

SECT. 3. Every vessel before unloading lumber in the stream shall get a permit from the harbor master, designating where such lumber may be rafted to avoid obstructing the channel or hindering the movements of other vessels.

SECT. 4. Every vessel lying in the harbor, or at any wharf or pier, in said port, shall, when directed by the harbor master, cock-bill the lower yards, brace the topsail yards, fore and aft, and rig in the jib-boom.

SECT. 5. Said harbor master may cause to be moved, any vessel lying in the harbor and not anchored according to his direction, and not moving when directed by him so to do, and the expense thereof shall be paid by the master or owners of such vessel; and in case of neglect or refusal to pay after the same shall have been demanded, said expense may be recovered of said master or owners by the harbor master to the use of the said city, in an action of contract.

SECT. 6. No person shall throw or deposit in said harbor, or any part thereof, any stones, gravel, ballast, cinders, ashes, dirt, mud or other substance which may in any way tend to injure the navigation thereof.

SECT. 7. No warp or line shall be passed across the channel or any dock, so as to obstruct vessels passing along the same.

SECT. 8. If any vessel occupying a berth at any of the wharves or piers of said city, either with or without the consent of the wharfinger thereof, shall fail to vacate such berth upon notice from the wharfinger or his agent to the master, or those having such vessel in charge for the time being, in a reasonable time, to be adjudged by the harbor-master, the harbor-master shall then cause such vessel to be moved to some other berth, or anchored in the stream; and the expense thereof may be collected of the master or owners thereof by the harbor-master, to the use of said city, in an action of contract.

SECT. 9. The harbor-master shall have authority to regulate and station all vessels in the stream of said harbor, and to remove such are not employed in receiving or discharging their cargoes, to make room for such others as require to be more immediately accommodated for the purpose of receiving or discharging their cargoes, and as to the fact of their being fairly and actually employed in receiving or discharging their cargoes, the said harbor-master is hereby constituted the sole judge.

SECT. 10. Whoever shall refuse or neglect to obey the instructions of said harbor-master, or shall resist him in the execution of his duties, shall forfeit and pay a fine not exceeding fifty dollars.

SECT. 11. Any person violating the provisions of this act, in addition to any fines imposed in accordance herewith, shall be liable in an action of tort to any person suffering damage by such violation.

SECT. 12. It shall be the duty of the harbor-master to place in

the hands of the master of every vessel arriving at the port of Newburyport a copy of this act.

SECT. 13. For the purposes of this act the harbor of said port shall be construed to extend from the chain bridge across the Merrimac river at Deer island to the bar at the entrance of said harbor.

SECT. 14. This act shall take effect upon its passage.

[Approved March 3, 1876.]

AN ACT TO INCORPORATE THE NEWBURYPORT WATER COMPANY.

[Chapter 235 of the acts of 1880.]

SECTION 1. Joseph B. Morss, William H. Huse, Edward F. Coffin, Edward P. Russell, Henry M. Cross and Lawrence B. Cushing, their associates and successors, are hereby made a corporation by the name of the Newburyport Water Company, for the purpose of furnishing the inhabitants of Newburyport with pure water for the extinguishment of fires, and for domestic and other purposes; with all the powers and privileges, and subject to all the duties, restrictions and liabilities set forth in all general laws which now are or hereafter may be in force applicable to such corporations.

SECT. 2. Said corporation, for the purposes aforesaid, may take and hold the water, or so much thereof as may be necessary, not exceeding one and a half millions of gallons daily, of any springs, natural ponds or brooks within the limits of said city, or of Kimball's pond in the towns of Amesbury and Merrimac, or any of the effluents from said pond, or from the Powow river in said town of Amesbury and the town of Salisbury; and may convey said waters or any part thereof, into and through said city and said towns of Amesbury and Salisbury; and may take and hold by purchase or otherwise any real estate necessary for the raising, preservation and purity of the same, or for forming dams or reservoirs to hold the same, and for laying and maintaining aqueducts and pipes for distributing the water so taken and held in any and all parts of said city and towns of Amesbury and Salisbury; and may lay its water pipes through any private lands, with the right to enter upon the

same and dig therein for the purpose of making all necessary repairs or service connections ; and for the purposes aforesaid may carry its pipes under or over any water course, street, railroad, highway or other way, in such manner as not to obstruct the same ; and may enter upon and dig up any road or other way for the purpose of laying or repairing its aqueducts, pipes or other works ; and in general may do other acts and things convenient or proper for carrying out the purposes of this act. In case either of the towns in which said Kimball's pond is situated, should hereafter apply for authority to take water from the same, the powers hereby granted shall not be construed as creating any priority of right, or operate in the prejudice of such application.

SECT. 3. Said corporation may declare the quantity of water proposed to be taken under this act, not exceeding one and a half million of gallons daily, not less than three months before the waters shall be withdrawn from said springs, ponds or brooks ; and within sixty days from the time it shall take any lands, springs, ponds or brooks for the purpose of this act, otherwise than by purchase, said corporation shall file in the registry of deeds for the southern district of the county of Essex a description of such lands, springs, ponds, brooks or water, sufficiently accurate for identification, and state the purposes for which it is so taken, and the title of any land so taken shall vest in said corporation ; and upon such filing the terms shall be the measure and limit of the right of said corporation to take and divert the waters of such springs, ponds or brooks ; but if no such notice is filed said measure and limit shall be one and a half million of gallons daily. If at any time said corporation shall take a larger quantity of water than said limit, it may be restrained by injunction from taking such larger quantity, in a suit in equity brought by any party interested.

SECT. 4. Any person or corporation injured in any way by any acts of said corporation under this act and failing to agree with said corporation as to the amount of damages may have the same assessed and determined in the manner provided when land is taken for highways ; but no application shall be made to the county commissioners for the assessment of damages for the taking of water rights until the water is actually taken and diverted by said corporation. Any person whose water rights are thus taken or affected may apply as aforesaid within three years from the time the water is actually withdrawn or diverted, and not thereafterwards ;

and no suit for injury done under this act shall be brought after two years from the alleged date of the receipt of injury.

SECT. 5. If said corporation takes the water from Kimball's pond or any of its effluents, or from Powow river, it shall lay its aqueduct or main pipe for conducting the same to said city by some convenient route through the town of Amesbury. The inhabitants of any town upon the line of the works authorized by this act, upon the application of its board of selectmen, shall be entitled to the reasonable use of the water, for the same uses as are hereinbefore provided, upon paying an equitable compensation therefor, which in case of difference shall be determined by three commissions to be appointed by the supreme judicial court upon application of either party, and notice to the other, whose award when accepted by the court shall be binding upon the parties for the term of five years.

SECT. 6. Any town under whose roads, streets or ways said corporations lays its aqueducts or main pipe, may require said corporation to insert therein proper hydrants, at points not less than five hundred feet apart, to be used for extinguishing fires and for no other purpose. The expense of inserting said hydrants and keeping the same in repair shall be paid by such town.

SECT. 7 If any person shall use any water taken under this act without the consent of said corporation, or shall wantonly or maliciously divert the water or any part thereof, taken or held by said corporation pursuant to the provisions of this act, or corrupt the same or render it impure, or destroy or injure any dam, aqueduct, conduit, pipe, hydrant, machinery or other works or property held, owned or used by said corporation, under the authority of and for the purposes of this act, he shall forfeit and pay to said corporation three times the amount of damage assessed therefor, to be recovered in an action of tort, and on conviction of either of the the wanton or malicious acts aforesaid may be also punished by fine not exceeding three hundred dollars or by imprisonment in jail not exceeding one year.

SECT. 8. Said corporation may distribute the water through said city of Newburyport; may establish and fix from time to time rates for the use of said water and collect the same; and may make such contracts with the said city of Newburyport or with individuals or corporations to supply water for fire or for other purposes as may be agreed upon by said city or individuals or corporations, and

said corporation; *provided*, that the source of supply, the size and quality of the pipes to be used, shall be approved by the board of water commissioners to be appointed under the provisions of this act. The city of Newburyport is hereby authorized to contract for a supply of water for fire purposes for a term of years with said Newburyport Water Company; *provided*, the same is assented to by said city by a majority vote of the voters present and voting thereon at a legal meeting called for that purpose.

SECT. 9. Said corporation for the purposes set forth in this act may hold real and personal estate, and the whole capital stock shall not exceed three hundred thousand dollars, to be divided into shares of one hundred dollars each.

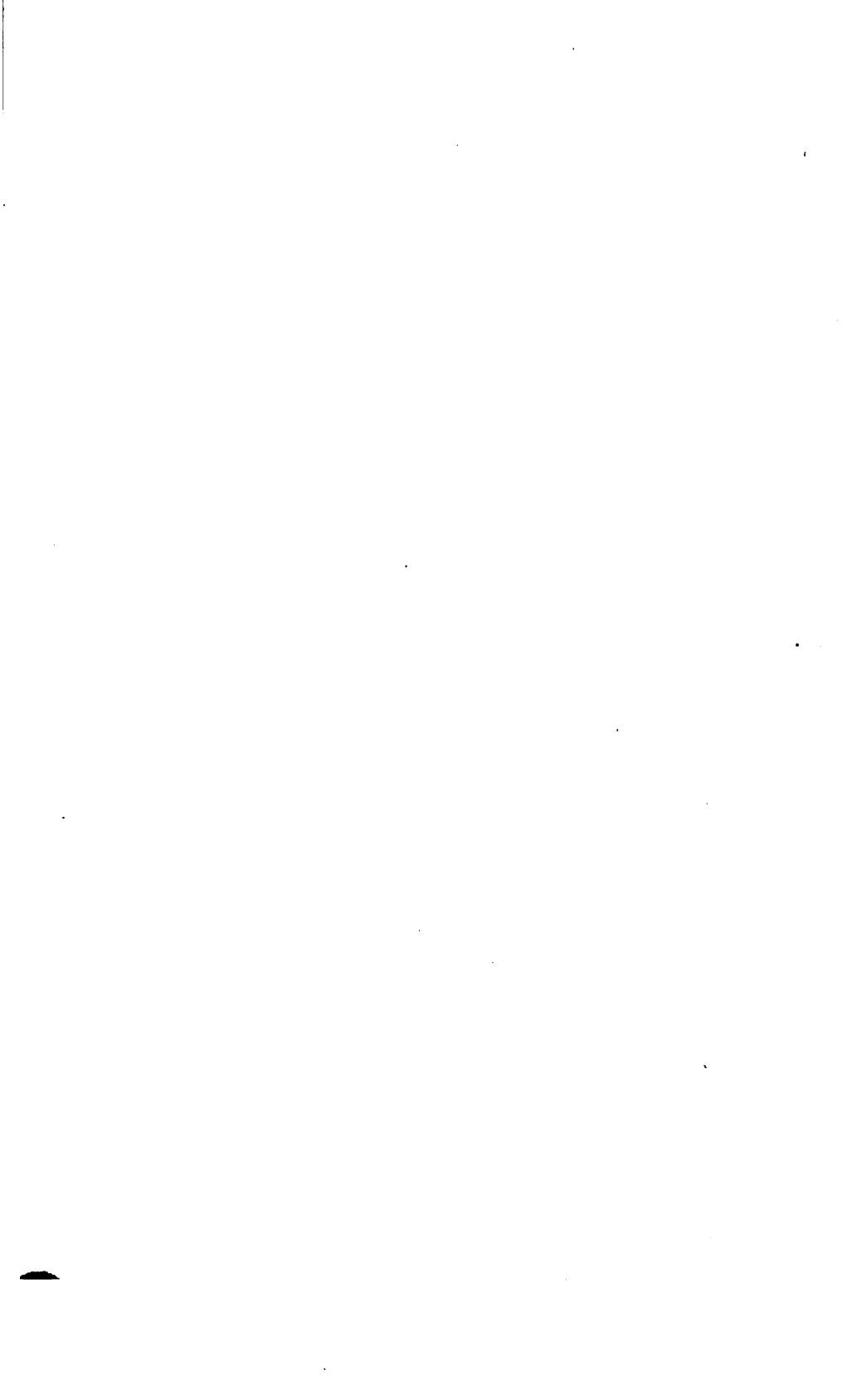
SECT. 10. The city of Newburyport is hereby authorized to appoint a board of water commissioners, to consist of five citizens of said city, who shall be chosen by the city council by joint ballot of both branches, whose duties it shall be to investigate all questions relative to the introduction of pure water into said city; to ascertain the cost of the same, and report the result of the investigation and deliberations upon the same to the city council at least ten days prior to the time appointed by section twelve of this act for said city to vote upon the acceptance of chapter two hundred and forty of the acts of the year eighteen hundred and seventy-eight. They shall serve without compensation, but the necessary expenses and liabilities incurred in the employment of engineers and personal examination of various systems of water supply shall be defrayed by said city; and the city council shall appropriate such sum or sums of money as may be needed for this purpose and in the same manner as money is appropriated for other city purposes.

SECT. 11. The city of Newburyport shall have the right at any time after ten years from the date of the completion of said works to purchase the corporate property and all the rights and privileges of said company at a price which may be mutually agreed upon between said corporation and the said city of Newburyport; and the said corporation is authorized to make sale of the same to said city. In case said corporation and city are unable to agree, then the compensation to be paid shall be determined by three commissioners to be appointed by the supreme judicial court, upon application of either party, and notice to the other, whose award when accepted by the court shall be binding upon both parties. And this authority to purchase said franchise and property is granted on condition

that the same is assented to by said city by a two-thirds vote of the voters present and voting thereon at a meeting called for that purpose.

SECT. 12. In case the city of Newburyport shall accept chapter two hundred and forty of the acts of the year eighteen hundred and seventy-eight as revived and continued by chapter two hundred and forty of the acts of the year eighteen hundred and seventy-nine, within two months from the date of the passage of this act, and shall also within three months after so accepting the same, vote to construct the works contemplated therein, and to raise and appropriate the necessary sum of money therefor, this act shall be inoperative, otherwise this act shall take effect at and upon the expiration of the said two months, and the said chapter two hundred and forty of the acts of the year eighteen hundred seventy-eight as revived by chapter two hundred and forty of the acts of the year eighteen hundred seventy-nine shall become void.

[*Approved April 23, 1880.*]



ACTS AND DECREES

RELATING TO

THE ESSEX MERRIMAC AND NEWBURYPORT

BRIDGES.



ACTS AND DECREES RELATING TO BRIDGES.

AN ACT CONCERNING TOLL BRIDGES IN ESSEX COUNTY.

[Chapter 206 of the Acts of 1867.]

SECTION 1. The county commissioners of the county of Essex are hereby authorized and empowered to lay out as and for highways, the several bridges across the Merrimac river, known as Andover bridge and Lawrence bridge, in the city of Lawrence; Haverhill bridge, between the towns of Haverhill and Bradford; Rocks bridge, between the towns of West Newbury and Haverhill; Essex Merrimac bridge, between the towns of Amesbury and Newburyport; Newburyport bridge, between the town of Salisbury and the city of Newburyport: Essex bridge, between the city of Salem and the town of Beverly, or any of them, as highways, in the manner now provided by law for laying out highways: *provided, however,* that said county commissioners shall not lay out said Lawrence bridge as a highway without first purchasing, or offering to purchase, said Andover bridge, according to the provisions of chapter two hundred and sixty-five of the acts of the year eighteen hundred and fifty-four.

SECT. 2. All damages which shall be sustained by the proprietors of any of said bridges, by such laying out, shall be awarded and paid in the same manner as is now provided by law for the assessment and payment of damages occasioned by the laying out of highways.

SECT. 3. Said county commissioners may, out of the moneys of said county, pay such proportion of the expense of said laying out said several bridges, or any of them, as in their judgment may be just and equitable.

SECT. 4. Upon the laying out of any of said bridges as highways, as aforesaid, the said county commissioners shall determine

and fix the relative proportions of expense for maintaining, keeping in repair and supporting any of said bridges, and for raising the draws in said bridges, if any, to be borne by said county, and any of the cities and towns lying near to, or contiguous to, said bridges, or any of them, as in their judgment may be just and equitable, which said proportion of expense so determined upon by said county commissioners shall become obligatory upon said county and upon said cities and towns, as aforesaid, to pay in the manner and at the times prescribed by said county commissioners.

SECT. 5. Said county commissioners shall, at all times hereafter, determine upon what terms and under what conditions horse railroads may pass on, over and across any of said bridges.

SECT. 6. The several cities and towns in said county, or any of them, may contribute to said county, towards the payment of damages that may be awarded to the proprietors of said bridges, such proportion of said damages or such sums as they may see fit, and may make agreements with the said county commissioners as to the amount or proportion, and as to the manner of payment thereof; and they may make such agreements either before or after such damages are awarded.

SECT. 7. Upon evidence satisfactory to the governor and council that any one of said bridges now or hereafter belonging to the commonwealth has been laid out as a highway, according to the provisions of this act, the governor shall, by his proclamation, declare such bridge free; and thereupon all the property of the commonwealth in such bridge and in the appurtenances thereto shall vest in said county and in said cities and towns contributing to the payment of damages in the laying out of such bridge as a highway; and all funds in the treasury of the commonwealth on account of such bridges shall be paid over to said county commissioners, and by them divided between said county and said cities and towns, in proportion as said county and said cities and towns have paid and contributed towards the expense of laying out such bridge as a highway, as aforesaid.

[Approved May 31, 1867.]

AN ACT CONCERNING THE SEVERAL TOLL BRIDGES IN ESSEX COUNTY.

[Chapter 309 of the Acts of 1868.]

SECTION 8. The county commissioners of the county of Essex shall, within sixty days after the passage of this act, lay out as and for highways the several bridges over the Merrimac river, known as Andover bridge and Lawrence bridge in the city of Lawrence; Haverhill bridge, between the towns of Haverhill and Bradford; Rocks bridge between the towns of West Newbury and Haverhill; Essex Merrimac bridge, between the town of Salisbury and the city of Newburyport; Newburyport bridge, between the town of Salisbury and the city of Newburyport; also, the Essex bridge, over North river between the town of Beverly and the city of Salem; in the manner now provided by law for the laying out of highways, and according to the provisions of chapter two hundred and ninety-six of the acts of the year eighteen hundred and sixty-seven, so far as the same are applicable. The said commissioners shall also determine and decree what proportion of the amount of damages sustained by the proprietors of said bridges, or of either or any of them, by such laying out, shall be paid respectively by the county of Essex and by the several cities and towns which the said commissioners shall determine are benefited by such laying out.

SECT. 9. This act shall take effect upon its passage.

[Approved June 5, 1868.]

DECREE OF THE COUNTY COMMISSIONERS LAYING OUT THE ESSEX MERRIMAC AND NEWBURYPORT BRIDGES AS PUBLIC HIGHWAYS.

NOTICE is hereby given, that, in pursuance of the three hundred and ninth chapter of the acts of the legislature of 1868, the undersigned, county commissioners of the county of Essex, have this day laid out the several bridges named below, as and for public highways, viz: Andover bridge and Lawrence bridge, in the city of Lawrence; Haverhill bridge, between the towns of Haverhill and Bradford; Rocks bridge, between the towns of Haverhill and West Newbury; Essex Merrimac bridge, between the town of Salisbury and the city of Newburyport; Newburyport bridge, be-

tween the town of Salisbury and the city of Newburyport; and the Essex bridge, over the North river, between the town of Beverly and the city of Salem.

In testimony thereof, we, the said county commissioners, have hereunto set our hands, this fourth day of August, 1868.

A. D. WAIT, JAMES KIMBALL, J. B. SWETT.	}	COUNTY COMMISSIONERS.
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COMMONWEALTH OF MASSACHUSETTS.

ESSEX, ss.

COURT OF COUNTY COMMISSIONERS, *July Term*, A. D., 1868.

WHEREAS, by an act of the legislature of Massachusetts, approved June 5, 1868, and being chapter 309 of the acts of said year 1868, it was ordered and directed that the county commissioners of said county of Essex should, within sixty days from the passage of said act, lay out as and for highways, the several bridges named in the eighth section of said act, including therein the bridge known as Newburyport bridge, between the city of Newburyport and the town of Salisbury :

And whereas, further, in pursuance of said act, said commissioners duly notified all parties interested, and did on the thirty-first day of July, A. D. 1868, proceed to hear all parties interested,

Now, on this fourth day of August, A. D. 1868, we do lay out said Newburyport bridge, between the city of Newburyport and the town of Salisbury, as and for a public highway, in conformity with the requirements of the acts of the legislature of said year 1868

The charter of said Newburyport bridge having expired, no damage is to be awarded.

It is hereby ordered, adjudged and decreed that so much of said bridge as lies southerly of a line drawn three-quarters of the whole distance from the southern end of said bridge, being three-fourths of said bridge next adjoining to said Newburyport, shall be maintained, kept in repair and supported, and the expense thereof, and of raising the draw in said bridge, shall be paid by said city of

Newburyport; and that the remainder of said bridge, being one-fourth part thereof lying next to Salisbury aforesaid, shall be maintained, kept in repair and supported, and the expense thereof shall be paid by said town of Salisbury.

In testimony whereof, we, the said county commissioners, have hereunto set our hands, this fourth day of August, in the year of our Lord one thousand eight hundred and sixty-eight.

A. D. WAIT,
 JAMES KIMBALL, } COUNTY
 J. B. SWETT. } COMMISSIONERS.

ESSEX, ss.

COURT OF COUNTY COMMISSIONERS, }
July Term, A. D., 1868. }

The foregoing report is filed and accepted, and thereupon it is ordered that the same be recorded; that the said bridge may be known as a public highway forever.

Attest, GEORGE R. LORD, Ass't Clerk.

Copy.

Attest, GEORGE R. LORD, Ass't Clerk.

COMMONWEALTH OF MASSACHUSETTS.

ESSEX, ss.

COURT OF COUNTY COMMISSIONERS, *July Term, A. D., 1868*

WHEREAS, by an act of the legislature of Massachusetts, approved June 5, 1868, and being chapter 309 of the acts of said year 1868, it was ordered and directed that the county commissioners of said county of Essex should, within sixty days from the passage thereof, lay out as and for highways, the several bridges named in the eighth section of said act, including therein the bridge known as the Essex Merrimac bridge, between the city of Newburyport and the town of Salisbury in said county:—

And whereas, further, in pursuance of said act, said county commissioners duly notified all parties interested, and did, on the thirty-

first day of July, A. D. 1868, proceed to view said bridge and to hear all parties interested,

Now, on this fourth day of August, A. D. 1868, we do lay out said bridge, known as Essex Merrimac bridge, between the city of Newburyport and the town of Salisbury, as and for a public highway.

And, having heard all parties interested, we do adjudge and estimate the damages sustained by the proprietors of said Essex Merrimac bridge at the sum of thirty thousand dollars, to be paid in manner following, viz :

Ten thousand dollars shall be paid out of the county treasury.

Ten thousand dollars shall be paid by the city of Newburyport.

Five thousand dollars shall be paid by the inhabitants of the town of Salisbury.

Five thousand dollars shall be paid by the inhabitants of the town of Amesbury.

All of which sums shall be paid by said county, city and towns, to said proprietors, upon the laying out of said bridge as a public highway as aforesaid.

And whereas, by the act aforesaid, it is ordered that said bridges shall be laid out as highways in the manner provided by law and according to the provisions of chapter 296 of the acts of the year 1867, so far as the same are applicable, by which last-named act it was provided that said commissioners should determine and fix the relative proportions of expense for maintaining, keeping in repair and supporting any of said bridges, and for raising the draws in said bridges or any of them, to be borne by said county and any of the towns lying near to or contiguous to said bridges, as in their judgment may be just and equitable :

It is ordered, adjudged and decreed, that so much of said Essex Merrimac bridge as lies within the city of Newburyport shall be maintained, kept in repair and supported, and the expense thereof shall be paid by said city of Newburyport ; and that so much of said bridge as lies within the town of Salisbury shall be maintained, kept in repair and supported by said town of Salisbury, but the expense thereof, and of raising the draw in said bridge, shall be paid in equal moieties by said town of Salisbury and said town of Amesbury, and said town of Amesbury shall reimburse to said town of Salisbury one-half the expense thereof.

In testimony whereof, we, the said county commissioners, have

hereunto set our hands, this fourth day of August, in the year of our Lord one thousand eight hundred and sixty-eight.

A. D. WAIT,
 JAMES KIMBALL, } COUNTY
 J. B. SWETT. } COMMISSIONERS.

Essex, ss.

COURT OF COUNTY COMMISSIONERS, }
July Term, A. D., 1868. }

The foregoing report is filed and accepted, and thereupon it is ordered that the same be recorded; that the said bridge may be known as a public highway forever.

Attest, GEORGE R. LORD, Ass't Clerk.

The foregoing is a true copy.

Attest, GEORGE R. LORD, Ass't Clerk.

COMMONWEALTH OF MASSACHUSETTS.

By His Excellency the Governor.

A PROCLAMATION.

WHEREAS, it is provided by an act of our legislature, approved the fifth day of June, in the year one thousand eight hundred and sixty-eight, entitled "An Act concerning the Salem turnpike and Chelsea bridge and the several toll bridges in Essex county," that the county commissioners of the county of Essex shall, within sixty days after the passage of said act, lay out as and for highways the several bridges over the Merrimac river, known as Andover bridge and Lawrence bridge, in the city of Lawrence; Haverhill bridge, between the towns of Haverhill and Bradford; Rocks bridge, between the towns of West Newbury and Haverhill; Essex Merrimac bridge and Newburyport bridge, between the town of Salisbury and the city of Newburyport; and also the Essex bridge over the North river between the town of Beverly and the city of Salem, in the manner provided by law for the laying out of highways,

and according to the provisions of an act of our legislature, approved the thirty-first day of May, in the year one thousand eight hundred and sixty-seven, entitled "An Act concerning toll bridges in Essex county," so far as the same are applicable.

And whereas, it is provided by said last mentioned act, that upon evidence satisfactory to the governor and council, that any one of said bridges belonging to the commonwealth has been laid out as a highway according to the provisions of said act, the governor shall by his proclamation declare such bridge free.

And whereas, the county commissioners of the county of Essex, have furnished evidence satisfactory to the governor and council, that on the fourth day of August instant, they did duly lay out as and for public highways all of said bridges, in accordance with the provisions of both of said acts, I do therefore hereby give public notice—inasmuch as the said Newburyport bridge, over Merrimac river between the town of Salisbury and the city of Newburyport, and the said Essex bridge over North river, between the town of Beverly and the city of Salem, are the property of the commonwealth—that the said Newburyport bridge and the said Essex bridge have ceased to be toll bridges and are free.

Given at the council chamber in Boston, this twenty-second day of August, in the year one thousand eight hundred and sixty-eight.

ALEXANDER H. BULLOCK.

By His Excellency the Governor,

OLIVER WARNER, Secretary of the Commonwealth.

SECRETARY'S DEPARTMENT, Boston, March 25, 1870.

A true copy of the original proclamation.

Attest,

OLIVER WARNER, Secretary of the Commonwealth.

AN ACT IN RELATION TO BRIDGES OVER MERRIMAC RIVER.

[Chapter 421 of the Acts of 1869.]

SECTION 1. The four bridges over Merrimac river, known as the Newburyport bridge, the Essex Merrimac bridge, the Rocks bridge

and Haverhill bridge, shall be lighted, tended and maintained, repaired and kept in repair, by the several cities and towns charged with that duty by the award of the county commissioners which purported to lay them out as public highways, and in accordance with said award, until said award shall be set aside or sustained.

SECT. 2. An accurate account shall be kept of the expenses incurred under this act, and in case the award of said commissioners, or their doings in laying out said bridges as public highways, shall be set aside or declared invalid by the supreme judicial court of this commonwealth, said expenses shall be repaid with interest to the towns and cities which shall have incurred such expenses, by the county of Essex ; and such towns and cities, or either of them, may maintain suits in law or in equity against said county, to recover such sums of money, with interest, as they shall have expended under this act, in lighting, tending, maintaining and keeping in repair said bridges.

SECT. 3. The county commissioners of the county of Essex shall, within thirty days of the passage of this act, thoroughly inspect each of the four bridges mentioned in this act, and if, in their judgment, either of them shall be unsafe for public travel, then said commissioners shall, in writing, order such attendance, lighting and repairs as they may deem necessary to the safety of travellers over said bridge ; such order to be served by any officer competent to serve any civil process, upon the selectmen of such towns or the mayor and aldermen of such cities as may be charged with the maintaining and keeping in repair of such bridge or bridges by the award and decree of the county commissioners purporting to lay out such bridge or bridges as public highways ; and after a reasonable time, to be specified in said order, such towns or cities, or either of them, which refuses or neglects to comply with such order, shall each be liable to a fine of fifty dollars for each and every day until said order shall be complied with and said bridge or bridges rendered safe for public travel.

SECT. 4. Compliance with the preceding section shall not be used as evidence against, or in any way affect or prejudice the rights of the parties concerned in any suit in law or in equity concerning the premises.

SECT. 5. Nothing in this act shall invalidate any obligation that the Eastern Railroad Company is under, by any of the provisions of chapter two hundred and twenty-eight of the acts of eighteen hundred

and sixty-four, or any other law, or by any contract with any party or parties whatsoever; and all rights and claims the commonwealth may have on the said railroad company, compelling or requiring them to put in repair the said Newburyport bridge is, in consideration of the duties imposed upon the said city of Newburyport by this act, hereby assigned and set over to the said city, and the said city of Newburyport may, in their name and to their use, or in the name of the commonwealth, recover in an action of contract any and all damages from said railroad company for neglect in not complying with the terms of any law or contract requiring them to keep in repair and leave in good passable condition the said Newburyport bridge.

SECT. 6. This act shall take effect upon its passage.

[Approved June 21, 1869.]

DECREE OF THE COUNTY COMMISSIONERS FOR THE REPAIR OF ESSEX
MERRIMAC AND NEWBURYPORT BRIDGES.

COMMONWEALTH OF MASSACHUSETTS.

ESSEX SS. COURT OF COUNTY COMMISSIONERS.

August Term, held by adjournment at Salem, Sept. 13, 1869.

Pursuant to the directions in chapter four hundred and twenty-one of the acts of eighteen hundred and sixty-nine, and under the authority thereof, we, the county commissioners for said county, did, on the seventh day of July last past, thoroughly and carefully inspect and examine the Newburyport bridge and Essex Merrimac bridge named in said act, and found both of said bridges, in our judgment, unsafe for public travel, and thereupon we ordered notice to all parties in interest, returnable on the twenty-seventh day of August then next following, which is referred to and made part of this report, and on the said twenty-seventh day of August we met at the court house in Newburyport, for the purpose of hearing the parties notified by said order, touching the several matters and things particularly specified and named therein; and none of said parties appearing, and it also appearing that said order of notice had been duly served, we proceeded to consider the said several matters and things, having first obtained a report, in writing, of the present actual condition of said bridges, indicating the kind and extent of re-

pairs necessary to make them passable, safe and convenient for the public use and travel, from two practical and experienced bridge builders, a copy whereof was served on the city of Newburyport and the town of Salisbury, and may be referred to as part of this report. And we do now make our report as to such attendance, lighting and repairs, as in our judgment are necessary to the safety of travellers over both of said bridges.

In the matter of the Newburyport bridge, to make the same safe for the public travel, we order and adjudge that the entire superstructure thereof, except the drawbridges and that portion of the present bridge which covers what was the old drawbridge on the Newburyport end, be renewed and rebuilt of suitable and sufficient materials, and in a substantial and workmanlike manner, and by such form and kind of structure as shall be adapted to such place and shall secure the safety of the public travel; and that the same be finished and completed to our satisfaction and acceptance on or before the first day of July, 1870. And, further, that this be done by the city of Newburyport and the town of Salisbury, under the same apportionments as ordered and directed in the laying out of said bridge as a public highway, at our July term of 1868—the same to be referred to and made part of this report. And further, that the city of Newburyport adjust such drawbridge to the main structure, do whatever is necessary to this end, and direct whatever attendance is needed for all purposes of a drawbridge in such a place, as required by law. And further, that said city and town shall each cause their respective portions of said bridge, as ascertained and determined aforesaid, to be sufficiently lighted at night in the manner and to the extent usual and customary in bridges of this length and description. All this we deem necessary to the safety of travellers over said bridge, and the orders as to attendance and charge of the draw and lighting the bridge are to be attended to and observed whenever, and so soon as the bridge is completed, accepted and opened for public travel.

In the matter of the Essex Merrimac bridge, to make the same safe for public travel, we order and adjudge that repairs on the same be commenced without delay in the manner following: the truss bridge over the north channel is to be newly sheathed with two inch plank its entire length, and new floor planks shall be supplied when needed. Two new stringers in the north leaf of the draw—also entire new stringers in that part of the bridge to which

the north leaf of the draw is attached shall be put in, and the draw itself shall be newly sheathed.

The trestle at the south end of the chain bridge shall be entirely renewed. Sixteen of the hanging timbers in the north roadway, and twenty in the south, all 6x12 inches, being rotten, are to be replaced with new ones of like dimensions; also that three of the five floor timbers in each roadway, 5x10 inches, resting on the hanging timbers and running the whole length of the bridge, be renewed with new ones of like dimensions. Such portions of the planking as are sound may be used for one side of the roadway over the chain part of the bridge, the railing over the same to be made secure. The stone work in the north corner of the south abutment must be sufficiently repaired. The report of the bridge builders before referred to, which we adopt as the basis of the foregoing orders and directions as to the repairs of this bridge, may be referred to in explanation thereof; and if in the prosecution of the repairs as herein directed any unsoundness of timbers or other material entering into the structure of the bridge shall appear or be disclosed, then all such unsound parts shall be removed and the place or places supplied with suitable and sufficient stock and materials, to the end that when said repairs are all completed — (and this we direct shall be done on or before the first day of January next) the bridge shall be safe, passable and convenient for public travel.

And further, that this be done to our satisfaction and acceptance within the time specified, by the city of Newburyport and the town of Salisbury, each doing the work and making the repairs in its own limits, as ordered and directed in the laying out of said bridge as a highway at our July term of 1868, reference thereto.

And further, that the town of Salisbury have charge of the drawbridge and direct all necessary attendance thereat, as required by the statute in this behalf.

And further, that said town and city each cause their respective parts and portions of said bridge to be well and sufficiently lighted at night in the manner and to the extent customary and usual in bridges of this length and description. All this we deem necessary to the safety of travellers over said bridge; and the orders aforesaid as to the drawbridge and lighting the whole bridge at night are to take effect immediately on the service of the order, under which copies of this report will be served on the parties in interest.

In testimony whereof we, the said county commissioners, have hereunto set our hands this thirteenth day of September, 1869.

JAMES KIMBALL,
J. B. SWETT,
CHAS. P. PRESTON.

ESSEX, ss. COURT OF COUNTY COMMISSIONERS,

August term, 1869, held by adjournment at Salem, Sept. 13, 1869.

The foregoing report is filed and accepted, and thereupon it is ordered that the same be recorded, and that the same be served on the mayor and aldermen of Newburyport and on the selectmen of Salisbury and Amesbury, by leaving with said mayor and the chairman of each board of selectmen, attested copies thereof.

Attest, A. HUNTINGTON, CLERK.

The foregoing is a true copy.

Attest, A. HUNTINGTON, CLERK.

AN ACT CONCERNING THE NEWBURYPORT BRIDGES.

[Chapter 266 of the Acts of 1873.]

SECTION 1. The county commissioners for the county of Essex may allow to the city of Newburyport and the town of Salisbury, from the treasury of said county, such sums as they shall deem just and equitable, not exceeding in the whole the sum of six thousand five hundred dollars, on account of expenses incurred and paid by said city and town, under the decrees of the said county commissioners, by virtue of chapter two hundred and ninety-six of the acts of the year eighteen hundred and sixty-seven, chapter three hundred and nine of the acts of the year eighteen hundred and sixty-eight, and chapter four hundred and twenty-one of the acts of the year eighteen hundred and sixty-nine.

SECT. 2. The said commissioners may borrow money necessary for the purpose named in the first section.

[Approved May 2, 1873.]

COMMONWEALTH OF MASSACHUSETTS.

HARBOR COMMISSIONERS' OFFICE, }
 No. 8 Pemberton square, Boston, June 2, 1875. }

WHEREAS, the city of Newburyport, through its chairman of bridge committee, John A. Greeley, has given written notice to this board of its intention to build a new draw, draw pier and fender pier, and to repair the main structure of the bridge crossing the Merrimac river between Newburyport and Salisbury, and has submitted plans of the same,

Now therefore the said city of Newburyport is hereby authorized to proceed and build said new draw, draw pier and fender pier, and to repair said bridge crossing the Merrimac river, in conformity with plans filed in this office and numbered 275 and in the following manner, namely :

The location of the draw pier shall be midway between the third and fourth stone piers from the Newburyport end of the bridge.

The draw pier shall be a circular granite pier, twenty-six feet in diameter at the bottom, and twenty-four feet in diameter at the top, and thirty-three feet high, built of dimension stone, laid with beds and builds. This stone pier shall be supported upon a pile foundation driven in circular rows, as shown on plan, and cut off level at the bottom of the river.

The fender pier shall be thirty-two feet wide on the top, and shall run in a straight line between said new draw pier and the draw pier of the Eastern railroad bridge, and shall extend easterly below said city bridge in the same alignment and one hundred feet from the said new draw pier ; it shall also extend westerly above the Eastern railroad bridge in the same manner a distance of one hundred and fifteen feet, or a distance equal to the present fender pier of the Eastern railroad bridge as may be hereafter determined. Said fender pier shall be built in a thorough and workmanlike manner, and supported upon oak piles wherever new piles are driven ; a crib of stone work shall be built at the western or upper end of the draw pier similar in all respects to the crib and stone work now at the same end of the railroad fender pier. The old crib and stone above named in the present railroad fender pier shall be removed and all piles or other objects and obstructions connected with the present fender pier and such as are between the stone piers of the city bridge which are

third, fourth and fifth from the Newburyport end of the bridge shall be removed.

The draw shall be one hundred and eighty-six feet long, constructed of iron trusses and floor beams, of sufficient strength to sustain a moving weight of two thousand pounds to the lineal foot in addition to the weight of the bridge. The road way shall be twenty feet wide in the clear, with sidewalk six feet wide. The action of the draw shall be by a centre pivot, and shall be made to turn end for end.

The new span in the main bridge shall be two hundred and six feet long, extending from stone pier to stone pier, and shall be an iron structure, with iron trusses and floor beams.

This license is void unless recorded, with the accompanying plan, in the registry of deeds for the county of Essex within one year from the date of these presents.

In witness whereof, a majority of the board of harbor commissioners have hereunto affixed their signatures, this second day of June, A. D. 1875.

JOSIAH QUINCY,
F. W. LINCOLN,
J. N. MARSHALL,
W. J. SUMNER,
ALBERT MASON.

[Recorded May 3, 1876, book 953, leaf 218.]

AN ACT CONCERNING THE REBUILDING IN PART OF THE NEWBURY-
PORT AND SALISBURY BRIDGE.

[Chapter 55 of the Acts of 1876.]

SECTION 1. The county commissioners of the county of Essex may allow from the treasury of said county, to the city of Newburyport and to the town of Salisbury respectively, such a sum of money as they may think just and equitable, to indemnify them in part for the expense of rebuilding such portion of the Newburyport bridge, over Merrimac river, as has been rebuilt by reason of dam-

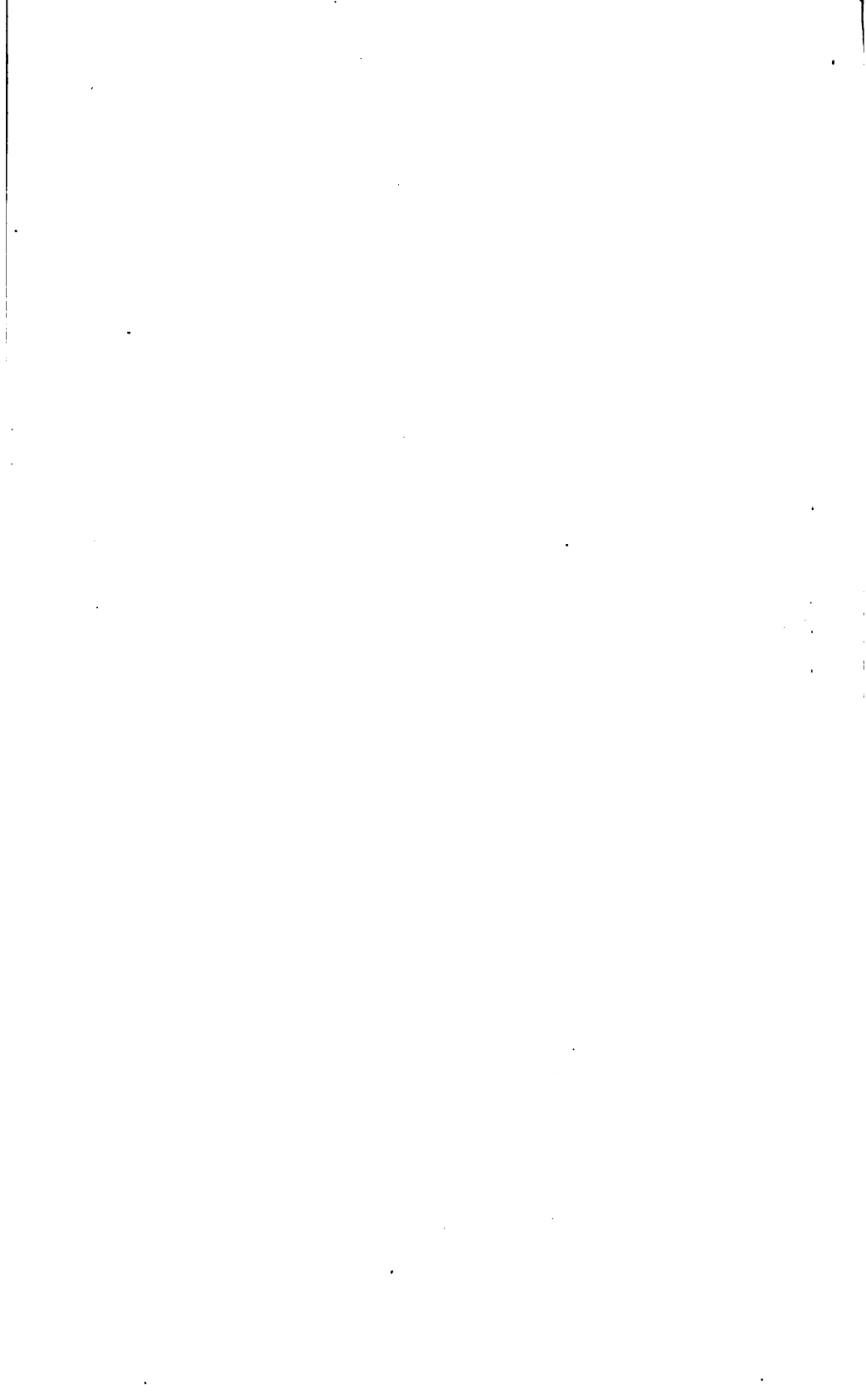
ages occasioned by the freshet in the winter of the year eighteen hundred and seventy-five: *provided*, that the sum so allowed to said city and town shall not exceed one-third of the amount which they have expended for the object aforesaid.

SECT. 2. The said commissioners, if need be, are hereby authorized to borrow money for the purpose of making said repairs.

SECT. 3. This act shall take effect upon its passage.

[*Approved* March 22, 1876.]

GENERAL LAWS.



GENERAL LAWS.

AN ACT TO AUTHORIZE CITIES TO APPROPRIATE MONEYS FOR CERTAIN PURPOSES.

[Chapter 165 of the Acts of 1861.]

Any city, by vote of the city council thereof, in addition to the sums heretofore authorized by law to be raised and appropriated, may appropriate any funds in its treasury, or raise money by taxation, and appropriate the same for the providing of armories for the use of military companies, for the celebration of holidays, and for other purposes of a public nature: *provided*, that such appropriations shall be made by a vote of two-thirds of the members of each branch of the city council present and voting by yea and nay vote, and that the amount of such appropriations made by any city, in any one year, shall not exceed one fiftieth of one per cent of its valuation for the same year.

[*Approved* April 9, 1861.]

AN ACT IN RELATION TO BETTERMENTS.

[Chapter 382 of the Acts of 1871.]

SECTION 1. At any time within two years after any street, highway or other way is laid out, altered, widened, graded or discontin-

ued, when in the opinion of the board of city or town officers authorized to lay out streets or ways respectively therein, any real estate, including that, a part of which may have been taken for such purpose, shall receive any benefit and advantage therefrom, beyond the general advantages to all real estate in the city or town where the same is situated, such board may adjudge and determine the value of such benefit and advantage to any such estate, and may assess upon the same a proportional share of the expense of laying out, alteration, widening, grading or discontinuance; but in no case shall the assessment exceed one-half the amount of such adjudged benefit and advantage, nor shall the same be made until the work of laying out, altering, widening and grading is completed or discontinuance made; and in case of laying out a highway or town way by county commissioners, due allowance shall be made for any benefit set off under the provisions of section sixteen of chapter forty-three of the General Statutes.

SECT. 2. Any such assessment upon real estate which is invalid by reason of any error or irregularity in the making thereof, and which has not been paid, or which has been recovered back, may be re-made by such board, to the amount for which the original assessment ought to have been made, and the same shall be a lien upon the estate, and be collected in the same manner as re-assessed taxes are.

SECT. 3. The expense to be assessed upon the estates as herein provided shall include all damages for land and buildings taken; and in estimating such damages all buildings on the land, a part of which is taken, shall be included, and there shall be deducted therefrom the value of the materials removed, and of all buildings or parts of buildings remaining thereon; and the damages for land taken shall be fixed at the value thereof before such laying out, alteration or widening, and the damage so estimated shall be paid to the persons entitled thereto, in the same manner and upon the same conditions as are provided by law in other cases of laying out, alteration, widening, grading or discontinuance of streets and ways.

SECT. 4. If the owner of any building or materials on land, a part or the whole of which is taken for the purposes named in this act, after reasonable notice in writing from the board authorized to make assessments as aforesaid, shall refuse or neglect to take care of, or remove such buildings or materials, such board may take

such care of the same as public safety or the preservation thereof demands, or may remove such buildings or materials either upon the adjoining land of such owner, or otherwise; or they may sell the same at public auction, after five days' public notice of such sale, and hold the proceeds of the sale for the benefit of such owner; and the expense incurred by said board, or the value thereof to the owner, shall be allowed in reduction of the damages which said owner is entitled to recover.

SECT. 5. Any person owning real estate abutting on any street, highway or other way which may be laid out, altered, widened, graded or discontinued, and liable to assessment under this act, may, at any time before the estimate of damages is made, give notice in writing to the board having authority to make the assessment, that he objects to the same, and elects to surrender his estate to the city or town where situated; and if said board shall then adjudge that public convenience and necessity require the taking of such estate, for the improvements named, they may take the whole of such abutting estate, and shall thereupon estimate the value thereof, excluding the benefit or advantage which has accrued from the laying out, alteration, widening, grading or discontinuance, and such owner shall convey the estate to such city or town which shall pay him therefor, the value so estimated, and the same may be recovered by an action of contract; and the city or town may sell any portion of said estate not needed for such improvements.

SECT. 6. All assessments made under this act shall constitute a lien upon the real estate so assessed, to be enforced in the same manner, with like charges for cost and interest, as provided by law for the collection of taxes; and if the owner of the estate shall give notice to the board authorized to make the assessment at any time before demand is made upon him for payment thereof, that he desires to have the amount of such assessment apportioned, said board shall apportion the same into three equal parts and certify such apportionment to the assessors of the city or town, and said assessors shall add one of said equal parts, with interest thereon from the date of the apportionment, to the annual tax of said estate for the three years next ensuing; and all assessments laid upon real estate, for any of the causes mentioned in this act, which shall remain unpaid after the same becomes due and payable, shall draw interest from the time when the same became due and payable, until the time of payment thereof.

SECT. 7. Any party aggrieved by the doings of such board, may apply by petition to the superior court for the county in which the estate is situated at any term thereof within one year after the passage of the order or proceedings upon which the application is founded; and after due notice to the city or town against which the petition is filed, a trial shall be had at the bar of the court in the same manner in which other civil causes are there tried by the jury, and if either party request it the jury shall view the place in question.

SECT. 8. If the jury shall not reduce the amount of the assessment complained of, the respondent shall recover costs against the petitioner, which costs shall be a lien upon the estate, and be collected in the same manner as the assessment, but if the jury shall reduce the amount of the assessment, the petitioner shall recover costs, and all assessments shall be a lien on the estate for one year after the final judgment, in any suit or proceeding where the amount or validity of the same is in question, and be collected in the same manner as original assessments.

SECT. 9. When an assessment is made upon an estate, the whole or any portion of which is leased, the owner of the estate shall pay the assessment, and may thereafter collect of the lessee an additional rent for the portion of the estate so leased, equal to ten per centum per annum on that proportion of the whole sum paid, which the leased portion bears to the whole estate, after deducting from the whole sum so paid any amount he may have received for damages to the estate, above what he has necessarily expended on such estate by reason of such damages.

SECT. 10. This act, except section four, shall not take effect in any town until the same is accepted by such town at a legal meeting called for that purpose, unless the town has passed the vote of acceptance provided for by section four of chapter one hundred and sixty-nine of the acts of the year eighteen hundred and sixty-nine.

SECT. 11. Chapter one hundred and seventy-four of the acts of the year eighteen hundred and sixty-six, chapters seventy-five and two hundred and seventy-six of the acts of the year eighteen hundred and sixty-eight, and chapters one hundred and sixty-nine and three hundred and sixty-seven of the acts of the year eighteen hundred and sixty-nine, and chapter two hundred and seventeen of the acts of the year eighteen hundred and seventy-one, are hereby

repealed; but such repeal shall not affect any rights or liabilities already incurred, or any case pending under said chapters.

SECT. 12. In any city where the mayor and aldermen are part only of the board authorized to lay out streets or ways, such mayor and aldermen shall constitute the board named in this act.

SECT. 13. This act shall take effect upon its passage.

[Approved May 26, 1871.]

See chapters 246 acts of 1872; 288 of 1873; 275 and 283 of 1874.

AN ACT RELATING TO THE MANAGEMENT OF LOCK-UPS.

Chapter 175 of the Acts of 1873.

SECTION 1. It shall be the duty of mayors of cities, and of the selectmen in towns, now required by law to keep and maintain a lock-up, to appoint annually a keeper, who shall have the custody and care of the lock-up, and of persons committed thereto. Such appointment shall be in writing, and for the term of one year, unless sooner removed; and shall be recorded in the city or town clerk's office. The person appointed shall signify his acceptance of the appointment within three days after he has received notice thereof, and shall be sworn to the faithful discharge of the duties of his office.

SECT. 2. Persons appointed keepers under the first section of this act, shall have all the powers of police-officers, and shall have such compensation as may be fixed by said mayors and selectmen at the time of their appointment, to be paid by the city or town; and there may be charged on the warrant or other precept of the officer, if any, a sum not exceeding fifty cents a day for keeping, and one dollar a day for support of each person committed, which shall be paid to the city or town; and no other charge for keeping or custody shall be made; and there may be allowed and charged a sum not exceeding one dollar for each person detained without a warrant, to be paid to the city or town, and in such case no other charge shall be made for detention or custody.

SECT. 3. Any city or town now required to keep and maintain a lock-up, which shall neglect to provide and maintain the same for three months, shall forfeit ten dollars for each month's neglect there-

after, to be recovered by indictment. And if the said mayors or selectmen for three months neglect to appoint a lock-up keeper, they shall forfeit ten dollars a month for each month of neglect.

SECT. 4. The lock-ups of the cities and towns of the Commonwealth shall at all reasonable hours be accessible to the constables of the commonwealth, sheriffs, constables and police-officers of cities and towns, for any legal and proper use, and any lock-up keeper who shall neglect to keep such lock-up accessible for such use, or who shall refuse to permit the officers mentioned in this act to use said lock-ups for all legal and official purposes, shall forfeit and pay a fine of not less than five nor more than twenty dollars, to be recovered upon complaint before any court of competent jurisdiction.

SECT. 5. This act shall take effect upon its passage.

[Approved April 14, 1873.]

AN ACT CONCERNING TRUANT CHILDREN AND ABSENTEES FROM SCHOOL.

[Chapter 262 of the Acts of 1873.]

SECTION 1. Each city and town shall make all needful provisions and arrangements concerning habitual truants and children between the ages of seven and fifteen years who may be found wandering about in the streets or public places of such city or town, having no lawful occupation or business, not attending school, and growing up in ignorance; and shall also make such by-laws as shall be most conducive to the welfare of such children, and to the good order of such city or town; and shall provide suitable places for the confinement, discipline and instruction of such children: *provided*, that said by-laws shall be approved by the superior court, or a justice thereof, or by the judge of probate of the county.

SECT. 2. The school committees of the several cities and towns shall appoint and fix the compensation of two or more suitable persons, to be designated as truant officers, who shall, under the direction of said committee, inquire into all cases arising under such by-laws, and shall alone be authorized, in case of violation thereof, to make complaint and carry into execution the judgment thereon.

SECT. 3. Any minor convicted under such by-law of being an

habitual truant, or of wandering about in the streets and public places of any city or town, having no lawful employment or business, not attending school, and growing up in ignorance, shall be committed to any institution of instruction or suitable situation provided for the purpose under the authority of section one of this act, or by-law, for such time, not exceeding two years, as the justice or court having jurisdiction may determine. Any minor so committed may, upon proof of amendment, or for other sufficient cause shown upon a hearing of the case, be discharged by said justice or court.

SECT. 4. Justices of police or district courts, trial justices, trial justices of juvenile offenders, and judges of probate shall have jurisdiction, within their respective counties, of the offences described in this act.

SECT. 5. When three or more cities or towns in any county shall so require, the county commissioners shall establish at convenient places therein, other than the jail or house of correction, at the expense of the county, truant schools, for the confinement, discipline and instruction of minor children convicted under the provisions of this act, and shall make suitable provisions for the government and control of said schools, and for the appointment of proper teachers and officers thereof.

SECT. 6. Any city or town may assign any such truant school as the place of confinement, discipline and instruction for persons convicted under the provisions of this act; and shall pay such sum for the support of those committed thereto as the county commissioners shall determine, not exceeding the rate of two dollars per week for each person.

SECT. 7. Any city or town may, with the assent of the board of state charities, assign the state primary school at Monson as the place of confinement, discipline and instruction for persons convicted under the provisions of this act, instead of the truant schools heretofore mentioned, and shall pay for the support of such persons committed thereto, such sum as the inspectors of said school shall determine, not exceeding two dollars per week for each person. Any minor so committed may, upon satisfactory proof of amendment, or for other sufficient cause, be discharged by the board of state charities.

SECT. 8. This act shall take effect upon its passage.

[Approved May 2, 1873.]

See Chapters 41 and 42 of the Gen. Stat.; chapters 21 and 207 of acts of 1862; 44 of 1863; 208 of 1865; 283 of 1866; 2 and 285 of 1867; 279 of 1873; 221 and 233 of 1864; 52 of 1875; 217 and 257 of 1878; 207 of 1879; 137 of 1880.

AN ACT TO REGULATE AND LIMIT MUNICIPAL INDEBTEDNESS.

[Chapter 209 of the Acts of 1875.]

SECTION 1. The assessors of cities and towns shall each year assess taxes to an amount not less than the aggregate of all sums appropriated, granted or lawfully expended by their respective cities or towns since the last preceding annual assessment and not provided for therein; and of all sums which are required by law to be raised by taxation by the said cities or towns during said year; and of all sums which are necessary to satisfy final judgments recovered against the said cities or towns; but such assessments shall not include sums for the payment of which said cities or towns have voted to contract debts according to the provisions of the third section of this act; and the assessors may deduct from the amount required to be assessed the amount of all the estimated receipts of their respective cities or towns (except from loans or taxes) which are lawfully applicable to the payment of the expenditure of the year, but such deduction shall not exceed the amount of such receipts during the preceding year; and such assessments shall be made in the manner provided by law for the assessment of taxes; and any assessor wilfully neglecting to make an assessment required by this act shall be subject to the penalties provided by law for neglecting to assess taxes.

SECT. 2. No debts shall hereafter be incurred by any city or town except debts for temporary loans in anticipation of the taxes of the year in which such debts are incurred, and of the year next ensuing and expressly made payable therefrom by vote of the said city or town; and except as hereinafter provided.

SECT. 3. Debts, other than those authorized by the second section of this act, shall hereafter be incurred by a town, only by a vote of two-thirds of the legal voters present and voting at a legal meeting, and by a city, only by a vote of two-thirds of all the members of each branch of the city council, taken by yeas and nays, and, in any city where the mayor has the veto power, approved by the mayor; or, if he disapproves said vote, by another like vote taken after notice of such disapproval, which notice shall be given within ten days from the time in which the vote of the city council shall have been laid before the mayor; and if the mayor shall fail to give such notice to the branch of the city council

in which said vote was first taken, he shall be deemed to have approved said vote of the city council.

SECT. 4. Any debt contracted by a city or town, as provided by the third section of this act, shall be payable within a period not exceeding ten years from the time of contracting the same, and said city or town shall annually raise by taxation an amount sufficient to pay the interest thereon as it accrues, and shall also annually raise by taxation a sum not less than eight per centum of the principal thereof, until a sum is raised sufficient, with its accumulations, to extinguish the debt at maturity, which sum shall be set apart for that purpose and shall be used for no other purpose; and any balance required to extinguish said debt shall be raised by taxation at the annual assessment next preceeding its maturity: *provided, however,* that debts incurred in constructing general sewers may be made payable at a period not exceeding twenty years from the time of contracting the same, and that debts incurred in supplying the inhabitants with pure water may be made payable at a period not exceeding thirty years from the time of contracting the same; and *provided, also,* that when the debt is, under the authority of this act, made payable at a period exceeding ten years from the time of contracting the same, said town or city shall, and when it is made payable at a period not exceeding ten years said town or city may, besides paying the interest, as it accrues, from taxes assessed for the purpose, establish, at the time of contracting the debt, a sinking fund, and contribute thereto from year to year, an amount, raised annually by taxation, sufficient, with its accumulations, to extinguish the debt at maturity; and said sinking fund shall remain sacred and inviolate and pledged to the payment and redemption of said debt, and shall be used for no other purpose.

SECT. 5. Any town establishing a sinking fund under the provisions of this act, shall, at the time of establishing the same, elect in the manner in which selectmen are by law required to be elected, three or six suitable persons as commissioners of its sinking funds, and any city establishing such a fund shall elect such commissioners by a concurrent vote of both branches of the city council. One-third of the number shall be elected for one, two and three years respectively. And annually thereafter, there shall be elected for a term of three years, a number equal to the number whose term of service then expires. Vacancies occurring in the board of commissioners shall, in towns, be filled by the remaining member or mem-

bers and the selectmen, by a majority of ballots of the officers so entitled to vote, at a meeting called for the purpose by the selectmen, and in cities such vacancies shall be filled by the city council in the manner above provided for the election of the commissioners. The remaining member or members shall in case of a vacancy exercise the powers of the board till the vacancy is filled. The city or town treasurer shall not be eligible as a commissioner of sinking funds, and the acceptance of the office of treasurer by a commissioner already elected shall work a resignation of the office of commissioner. But the foregoing provisions as to the mode of electing commissioners and filling vacancies shall not apply to boards of sinking fund commissioners already established.

The commissioners shall choose a treasurer, who may be the city or town treasurer, and if the city or town treasurer shall be chosen, his bond shall apply to and include duties performed under this act. If any other person shall be chosen as treasurer, he shall give a bond, with sureties, to the satisfaction of the commissioners, for the proper discharge of the duties of his office.

The commissioners shall receive all sums contributed to a sinking fund and invest and reinvest the same, and the income thereof as it shall accrue, in the name of the board, in the particular scrip, notes or bonds for the redemption of which such sinking fund was established, or in other bonds of said town or city, which are secured by sinking funds, or in the securities in which by law the funds of savings banks may be invested, except personal securities, although guaranteed by sureties; but no portion of the same shall be loaned to the city or town except as herein provided; and the commissioners may sell and reinvest such securities when required in their judgment for the good management of the fund. They shall keep a record of their proceedings; and shall annually, at the time when other municipal officers are required to make an annual report, make a written report to the city or town of the amount and condition of said funds and the income thereof, for the then preceding financial year. The record and the securities belonging to said funds shall at all times be open to the inspection of the selectmen, mayor and aldermen, or any committee of said city or town duly authorized for the purpose. The necessary expenses of the board shall be paid by said city or town, and the treasurer and secretary thereof shall receive such compensation as shall be fixed by the city or town, but no commissioner shall receive compensation for his services.

When any securities issued by the city or town become a part of a sinking fund, the commissioners shall cause to be stamped or written on the face thereof a notice that they are a part of such sinking fund, and are not negotiable; and the coupons thereof, as they become due and are paid, shall be cancelled.

SECT. 6. No city or town, except as hereinafter provided, shall become indebted to an amount (including existing indebtedness) exceeding in the aggregate three per centum on the valuation of the taxable property therein, to be ascertained by the last preceding city or town valuation for the assessment of taxes. In determining the amount of indebtedness under this act, the amount of the sinking funds shall be deducted from the gross indebtedness.

SECT. 7. Cities or towns indebted when this act takes effect, to an amount not less than two per centum on their valuation as aforesaid, may increase such indebtedness to the extent of an additional one per centum on their valuation, but no more; and when such indebtedness of any city or town exceeds five per centum on its valuation as aforesaid, such city or town shall raise annually by taxation a sum sufficient to pay the interest on its whole indebtedness, and to make the necessary contributions to a sinking fund which shall be established for the redemption of the same at a period not exceeding thirty years from the time this act takes effect, in the manner provided in the fourth and fifth sections of this act; and any city or town indebted when this act takes effect to an amount less than five per centum and more than one per centum on its valuation as aforesaid, shall make like provision for the payment of the interest on its whole indebtedness, and for the extinction of such indebtedness within a period not exceeding twenty years from the time this act takes effect, but it shall be sufficient to make such provision for the extinction of indebtedness contracted in supplying the inhabitants with pure water within a period not exceeding thirty years from the time this act takes effect, and to make like provision for the extinguishment of any existing funded debts, when the same mature.

SECT. 8. Nothing contained in this act shall be construed as prohibiting the inhabitants of towns, or city councils, from paying or providing for the payment of any municipal debts at earlier periods than is herein required, or from renewing the same in securities payable within the period required for the final payment of the debt, or from adding to any sinking funds, or funds for the extin-

guishment of any debt, the excess of municipal appropriations over the amounts required for the purpose thereof, or any sums derived from taxation or special assessments, or other sources, which are not required by law to be otherwise expended; and such additions may be made for the purpose of reducing the entire debt for the redemption of which the sinking fund was established, or of reducing the amount to be raised by taxation for such fund.

SECT. 9. No part of the sinking funds of the commonwealth shall hereafter, except for the renewal of existing loans, be loaned to any city or town, the indebtedness of which shall exceed five per centum of its valuation as aforesaid, or which shall not comply with the provisions of this act; but the certificate of the treasurer of any city or town as to the percentage of its indebtedness, and as to such compliance, shall be deemed satisfactory evidence thereof, for the justification of the treasurer of the commonwealth in making any such loan, unless he has reasonable cause to suppose that the statements of such certificate are not true.

SECT. 10. The restrictions of this act shall not exempt any city or town from its liability to pay debts contracted for purposes for which cities or towns may lawfully expend money; and the limits of municipal indebtedness prescribed by this act shall be exclusive of debts created for supplying the inhabitants with pure water, and its provisions shall not apply to subscriptions lawfully made to the capital stock or securities of railroad corporations.

SECT. 11. The supreme judicial court may, upon the suit or petition of the attorney-general, or of one or more taxable inhabitants of any city or town, or of any creditor to whom the said city or town appears to said court indebted in an amount not less than one thousand dollars, compel the said city or town and its assessors, collectors, treasurers, commissioners of sinking funds, and other proper officers, to enforce the provisions of this act by mandamus or other appropriate remedy, and hear and determine any cause of complaint in equity, where such remedy is more appropriate; and any justice of said court may in term time or vacation issue injunctions and make such orders and decrees as may be necessary or proper to enforce the provisions of this act, and to restrain or prevent any violation thereof.

[Approved May 14, 1875.]

AN ACT IN ADDITION TO AN ACT TO REGULATE AND LIMIT MUNICIPAL INDEBTEDNESS.

[Chapter 19 of the Acts of 1876.]

SECTION 1. Any city which at a legal meeting of its legal voters duly held for that purpose has accepted or shall hereafter accept by a vote of two-thirds of the legal voters present and voting thereon, any act to supply said city with pure water, may contract debts and issue bonds for the purposes and to the extent authorized by such act, by a vote of a majority of the members of each branch of the council, taken by yeas and nays, in like manner as provided in and subject to all the other provisions of chapter two hundred and nine of the acts of eighteen hundred and seventy-five.

SECT. 2. All acts and parts of acts inconsistent herewith are hereby repealed.

SECT. 3. This act shall take effect upon its passage.

[Approved February 28, 1876.]

AN ACT CONCERNING APPOINTMENTS BY THE MAYOR AND ALDERMEN IN CITIES.

[Chapter 80 of the Acts of 1876.]

In all cases in which appointments are directed to be made by the mayor and aldermen in any city of the commonwealth, the mayor shall have the exclusive power of nomination, being subject, however, to confirmation or rejection by the board of aldermen; but if a person so nominated shall be rejected it shall be the duty of the mayor to make another nomination within a month of the time from such rejection.

[Approved March 30, 1876.]

AN ACT TO CONFER A VETO POWER ON THE MAYORS OF CITIES.

[Chapter 193 of the Acts of 1876.]

SECTION 1. Every ordinance, order, resolution or vote to which

the concurrence of the board of aldermen and of the common council of any city may be necessary, except on a question of a convention of the two branches or the election of any officer, and every order of either branch of the city council, involving the expenditure of money, shall be presented to the mayor of the city. If he approves thereof, he shall signify his approval by signing the same; but if he does not approve thereof, he shall return the ordinance, order, resolution or vote, with his objections, in writing, to the branch of the city council in which it originated. Such branch shall enter the objections of the mayor, at large, on its records, and proceed to reconsider said ordinance, order, resolution or vote; and if, after such reconsideration, two-thirds of that branch, present and voting, notwithstanding such objections, agree to pass such ordinance, order, resolution or vote, it shall, together with the objections of the mayor, be sent to the other branch of the city council, if it originally required concurrent action, where it shall also be reconsidered; and if approved by two-thirds of the members present and voting, it shall be in force; but in all cases the vote shall be determined by yeas and nays; and if such ordinance, order, resolution or vote is not returned by the mayor within ten days after it has been presented to him, the same shall be in force.

SECT. 2. In any city where the mayor acts as presiding officer of the board of aldermen he shall have no right to vote, and the board of aldermen of any such city may elect one of their number as president, who shall preside at all meetings of the board in the absence of the mayor, anything in the charter of such city, or in any act in amendment thereof, to the contrary notwithstanding.

SECT. 3. Chapter one hundred and thirty-nine of the acts of the year eighteen hundred and seventy-three is hereby repealed.

[Approved April 27, 1876.]

AN ACT RELATING TO THE APPOINTMENT OF CITY PHYSICIAN IN
CERTAIN CITIES OF THE COMMONWEALTH.

[Chapter 21 of the Acts of 1878.]

SECTION 1. In the cities of the commonwealth where the city physician is *ex officio* a member of the board of health, said city

physician shall be appointed by the mayor, with the approval of the board of aldermen, for a term of three years; and shall be subject to removal, for cause, by the same authority.

SECT. 2. This act shall take effect on the first day of January in the year eighteen hundred and seventy-nine.

[Approved February 21, 1878.]

AN ACT TO REGULATE THE SALE OF VINEGAR.

[Chapter 113 of the Acts of 1880.]

SECTION 1. Every person who shall manufacture for sale or who shall offer or expose for sale, as cider vinegar, any vinegar not the legitimate product of pure apple juice, known as apple cider, and not made exclusively of said apple cider, but into which any foreign substances, ingredients, drugs or acids have been introduced, as shall appear by proper tests, shall for each offence be punished by a fine of not less than fifty nor more than one hundred dollars.

SECT. 2. Every person who shall manufacture for sale, or who shall offer or expose for sale, any vinegar found upon proper tests to contain any preparation of lead, copper, sulphuric acid or other ingredient injurious to health, shall for each such offence be punished by a fine of not less than one hundred dollars.

SECT. 3. The mayor and aldermen of cities shall, and the selectmen of towns may, annually appoint one or more persons to be inspectors of vinegar for their respective places, who shall before entering upon their duties be sworn to the faithful discharge of the same.

SECT. 4. This act shall take effect upon its passage.

[Approved March 17, 1880.]

GENERAL LAWS

In Force by virtue of their Acceptance by the City Council, or the legal voters of the City of Newburyport.

AN ACT CONCERNING SHADE AND ORNAMENTAL TREES STANDING IN HIGHWAYS AND STREETS.

[Chapter 242 of the Acts of 1867.]

SECTION 1. No person who has by law a right to cut down or remove any ornamental or shade tree standing in any highway, town way or street, shall exercise such right without first giving notice of his intention to one of the selectmen of the town or mayor of the city in which the tree stands; and, if the selectmen of the town or mayor and aldermen of the city desire to retain the tree, they shall give notice thereof to such person within ten days after his notice to them; and in that case, the same course shall be taken and the same rules apply as to the assessment, appeal and final determination and payment of the damage such person may suffer by the retaining of said tree, as in the case of damage done by an alteration in such highway, town way or street.

SECT. 2. If any such person shall cut down, remove or injure such tree without first giving the notice required in the foregoing section or in violation of any of the provisions thereof, or of the rights of the city or town acquired thereunder to maintain the same, he shall suffer the penalty provided for the injury or destroying of ornamental or shade trees in the seventh section of the forty-sixth chapter of the General Statutes, and the penalty in such case shall accrue to the town or city.

SECT. 3. This act shall not be in force in any town or city until it shall be accepted by a majority of the legal voters in such town at a meeting legally called therefor, or by the city council.

SECT. 4. This act shall take effect upon its passage.

[Accepted by the city council February 6, 1871.]

(See chapter 174 of Acts of 1875; also, chapter 162 of Acts of 1877.)

AN ACT IN RELATION TO SIDEWALKS IN CITIES.

[Chapter 303 of the Acts of 1872.]

SECTION 1. The board of mayor and aldermen in any city may grade and construct sidewalks, and complete any partially constructed sidewalk in any street of such city, as the public convenience may require, with or without edge stones, as said board shall deem expedient, and may cover the same with brick, flat stones, concrete, gravel or other appropriate material, and may assess upon the abutters on such sidewalks, in just proportions, not exceeding one-half of the expense of the same; but all assessments so made shall constitute a lien upon the abutting land, and be collected in the same manner as taxes on real estate are now collected, and such sidewalks, when constructed, with edge stones and covered with brick, flat stones or concrete, shall afterwards be maintained at the expense of such city. When any such sidewalk shall be permanently constructed with edge stones, and covered with brick, flat stones or concrete, as aforesaid, there shall be deducted from the assessment therefor, any sum which shall have been previously assessed upon the abutting premises, and paid to the city for the expense of the construction of the same in any other manner than with edge stones and with brick, flat stones or concrete as aforesaid; and such deduction shall be made *pro rata*, and in just proportions from the assessments upon different abutters, who, at the time of such assessment are owners of the estate which at the time of such former assessments was the estate of the abutters who had previously paid such former assessments.

SECT. 2. In estimating the damage sustained by any party by the construction of sidewalks as aforesaid, there shall be allowed, by way of set-off, the benefit, if any, to the property of the party by reason thereof.

SECT. 3. All acts and parts of acts inconsistent with this act are hereby repealed.

SECT. 4. This act shall not take effect in any city unless accepted by the city council thereof.

[Accepted by the city council December 2, 1872.]

AN ACT TO CHANGE THE TIME OF HOLDING THE ANNUAL MUNICIPAL ELECTIONS IN CITIES.

[Chapter 140 of the acts of 1872.]

SECTION 1. Hereafter in the several cities, the annual elections for the choice of city and ward officers, which are now required by law to be held on Monday, shall be held on the Tuesday next after such Monday.

SECT. 2. All acts and parts of acts inconsistent herewith are hereby repealed.

SECT. 3. This act shall take effect in those cities only which shall accept the same by vote of the city council.

[Accepted by the city council February 8, 1873.]

A STATUTE IN RELATION TO STEAM ENGINES, FURNACES, AND BOILERS.

[Extract from Chapter 88 of the General Statutes.]

SECTION 33. No furnace for melting iron or making glass, and no stationary steam engine designed for use in any mill for planing or sawing boards or turning wood, or in which any other fuel than coal is used to create steam, shall be erected or put up to be used in any city or town by which the provisions relating thereto of chapter one hundred and ninety-seven of the statutes of eighteen hundred and forty-five or chapter ninety-six of the statutes of eighteen hundred and forty-six respectively have been adopted, or by which this and the seven following sections shall have been adopted, at a legal meeting of the city council of the city or the inhabitants of the town called for that purpose, unless the mayor and aldermen or selectmen thereof have granted a license therefor, prescribing the place where the building in which such steam engine or furnace is to be used shall be erected, the materials and construction thereof, with such regulations as to the height of flues and protection against fire as they deem necessary for the safety of the neighborhood. Such license may be granted on a written application, and shall be recorded in the records of the city or town.

SECT. 34. Upon application for such license the mayor and aldermen or selectmen shall assign a time and place for the considera-

tion of the same, and cause at least fourteen days' public notice thereof to be given, at the expense of the applicant, in such manner as they may direct, in order that all persons interested may be heard thereon.

SECT. 35. In any city or town by which chapter one hundred and ninety-seven of the statutes of eighteen hundred and forty-five has been adopted, or by which sections thirty-three to forty inclusive shall have been adopted at a legal meeting of the city council of the city or inhabitants of the town called for that purpose, the mayor and aldermen or selectmen, after due notice in writing to the owner of such steam engine or furnace, except for making glass, erected or in use therein before the time of such adoption, and a hearing of the matter, may adjudge the same to be dangerous or a nuisance to the neighborhood, and make and record an order prescribing such rules, restrictions and alterations, as to the building in which the same is constructed or used, the construction and height of its smoke flues, with such other regulations as they deem necessary for the safety of the neighborhood; and the city or town clerk shall deliver a copy of such order to a constable, who shall serve on the owner an attested copy thereof and make return of his doings thereon to said clerk within three days from the delivery thereof to him.

SECT. 36. The owner of a steam engine or furnace who is aggrieved by such order may apply to the superior court, or a justice thereof in vacation, for a jury; and the court or justice shall issue a warrant for a jury to be empanelled by the sheriff in like manner as is provided in chapter forty-three in regard to the laying out of highways. Such application shall be made within three days after the order is served upon the owner, and the jury shall be empanelled within fourteen days from the issuing of the warrant.

SECT. 37. The court or justice, on granting the application for a jury, may issue an injunction restraining the further use of such engine or furnace until the final determination of the application.

SECT. 38. The jury may find a verdict either affirming or annulling the order in full, or making alterations therein; which verdict shall be returned by the sheriff to the next term of the court for acceptance as in the case of highways; and when accepted shall take effect as an original order.

SECT. 39. If the order is affirmed, costs shall be recovered by the city or town against the applicant; if it is annulled, damages

and costs shall be recovered by the complainant against the city or town; and if it is altered, the court may render such judgment as to costs as to justice shall appertain.

SECT. 40. Any steam engine or furnace erected or used contrary to the provisions of the seven preceding sections shall be deemed a common nuisance. And the mayor and aldermen or selectmen shall have like authority to remove the same as is given to boards of health to remove nuisances by sections eight, nine and ten, of chapter twenty-six.

[Accepted by the city council December 7, 1874.]

AN ACT IN RELATION TO STATIONARY ENGINES.

[Chapter 74 of the Acts of 1862.]

SECTION 1. No stationary engine, propelled by steam or other motive power, shall be hereafter erected or put up for use in any city or town, within five hundred feet of any dwelling house or public building, unless a license therefor shall have been first granted in the manner provided in chapter eighty-eight of the General Statutes, in respect to licenses of steam engines, furnaces and boilers, and such license shall be applied for, granted, and recorded in manner therein provided.

SECT. 2. Any stationary engine hereafter erected without such license shall be deemed a common nuisance, and the mayor and aldermen, or selectmen, shall have like authority to remove the same as is given to them by section forty of said chapter.

SECT. 3. This act shall not be in force in any city or town until it has been adopted at a legal meeting of the city council of the city, or of the inhabitants of the town called for that purpose.

SECT. 4. This act shall take effect upon its passage.

[Accepted by the city council December 7, 1874.]

AN ACT FOR THE PREVENTION OF FIRES IN CITIES AND TOWNS.

[Chapter 243 of the Acts of 1872.]

SECTION 1. Cities and towns may, by ordinances and by-laws not repugnant to the laws of the commonwealth, prescribe rules and

regulations for the inspection, materials, construction, alteration and safe use of buildings and structures within their respective limits not owned or occupied by the United States or the commonwealth, and excepting bridges, quays and wharves, for the purpose of securing the prevention of fire and the preservation of life; and may prescribe penalties, not exceeding one hundred dollars for each and every violation of any provision of such ordinances and by-laws.

SECT. 2. Such ordinances and by-laws may be made operative upon and within the whole territory of any city or town, or upon and within any prescribed and defined district or districts of such territory.

SECT. 3. The supreme judicial court, or any justice thereof, in term time or vacation, may, by injunction or other suitable process in equity, restrain any person or corporation from constructing, altering, maintaining or using any building or structure contrary to or in violation of any lawful ordinance or by-law made under or by virtue of this act, and may order and enforce the removal, or abatement as a nuisance, of any building or structure constructed, altered, maintained or used in violation of such ordinance or by-law.

SECT. 4. This act shall not be in force in any city or town unless the city council or the inhabitants of the town shall, by legal vote, decide to adopt the same; and it shall not apply to the city of Boston.

SECT. 5. This act shall take effect upon its passage.

[Accepted by the city council Nov. 18, 1874.]

AN ACT RELATING TO THE DEMOLITION OF BUILDINGS DURING FIRE.

[Chapter 201 of the Acts of 1873.]

SECTION 1. The engineer of a fire department, in command at a fire, shall, to the exclusion of all other persons, have the power conferred upon fire-wards, by the fourth section of the twenty-fourth chapter of the General Statutes.

SECT. 2. This act shall be in force only in those cities in which it is accepted by the city council, and in those towns in which it is accepted by the legal voters.

[Accepted by city council Nov. 18, 1874.]

A STATUTE IN RELATION TO THE SUPPRESSION OF COMMON NUISANCES.

[Chapter 87 of the General Statutes.]

SECTION 1. In any city or town which has adopted chapter four hundred and sixty-nine of the statutes of eighteen hundred and fifty-five, or which shall adopt this and the four following sections, at a legal meeting of the city council or inhabitants of the town, if the mayor and aldermen or selectmen, after due notice in writing to the owner of any burnt, dilapidated, or dangerous building, and a hearing of the matter, adjudge the same to be a nuisance to the neighborhood, or dangerous, they may make and record an order prescribing such disposition, alteration, or regulation, thereof as they deem necessary; and thereupon the city or town clerk shall deliver a copy of the order to a constable, who shall forthwith serve an attested copy thereof upon such owner, and make return of his doings thereon to said clerk.

SECT. 2. Any owner aggrieved by such order may within three days of the service thereof upon him apply for a jury to the superior court, if sitting in the county, or to any justice thereof in vacation. The court or justice shall issue a warrant for a jury, to be empanelled by the sheriff within fourteen days from the date of the warrant in the manner provided in chapter forty-three relating to highways.

SECT. 3. The jury may affirm, annul, or alter, such order; and the sheriff shall return the verdict to the next term of the court for acceptance, and, being accepted, it shall take effect as an original order.

SECT. 4. If the order is affirmed, costs shall be taxed against the applicant; if it is annulled, the applicant shall recover damages and costs against the city or town; if it is altered in part, the court may render such judgment as to costs as justice shall require.

SECT. 5. The mayor and aldermen or selectmen of any city or town shall have the same power and authority to abate and remove any such nuisance, as are given to the board of health in sections eight, nine, and ten, of chapter twenty-six.

[Accepted by city council Nov. 8, 1875,]

AN ACT RELATING TO BOARDS OF HEALTH IN THE SEVERAL CITIES
OF THE COMMONWEALTH.

[Chapter 133 of the Acts of 1877.]

SECTION 1. In each of the several cities of this commonwealth, except the city of Boston, the mayor and aldermen shall, in the month of January, in the year eighteen hundred and seventy-eight, appoint two persons, not members of the city council, who together with the city physician shall constitute the board of health of such city. The board so constituted shall enter upon its duties on the first Monday of February then next succeeding. The terms of office of the two appointed members shall be so arranged at the time of their appointment, that the term of one shall expire on the first Monday in February in each year, after the year eighteen hundred and seventy-eight; and the vacancy so created, as well as all vacancies occurring otherwise, shall in each of said cities be filled by the mayor, with the approval of the board of aldermen. The members of said board of health so appointed, shall in each of said cities be subject to removal by the mayor for cause; and for their services they shall receive such compensation as the city council may from time to time determine.

SECT 2. Each of said boards of health shall organize annually by the choice of one of their number as chairman; they may also choose a clerk, not a member of the board, and they may make such rules and regulations for their own government and for the government of all subordinate officers in their department as they may deem expedient.

SECT. 3. The boards of health hereby constituted shall have and exercise all the powers vested in, and shall perform all the duties prescribed to, city councils or mayors and aldermen, as boards of health, under the statutes and ordinances now in force in their respective cities; and shall have power to appoint such subordinate officers, agents and assistants, as they may deem necessary, and may fix their compensation, and the compensation of the clerk before mentioned: *provided*, that the whole amount of such compensation shall not exceed the sum appropriated therefor by the city council.

SECT. 4. In each of said cities said boards of health shall annually, in the month of January, present to the city council a report made up to and including the thirty-first day of the preceding

December, containing a full and comprehensive statement of the acts of the board during the year, and a review of the sanitary condition of the city; they shall also, whenever the city council or the standing committee thereof on finance shall so require, send to the auditor of accounts an estimate in detail of the appropriations required by their department during the next financial year.

SECT. 5. Said boards of health, and the board of health of the city of Boston, in addition to the powers conferred upon them by existing statutes, are hereby authorized to prepare and enforce in their respective cities, such regulations as they may deem necessary for the safety and health of the people, with reference to house drainage and its connection with public sewers, where such connection is made.

SECT. 6. On the Tuesday next after the first Monday of November next, a meeting of the legal voters of each of the several cities of the commonwealth shall be duly warned and called by the mayor and aldermen thereof, for the purpose of voting upon the acceptance of this act; and the same shall not take effect in any city unless accepted by a majority of the legal voters present and voting at said meeting.

[Accepted by the legal voters of the city Nov. 6, 1877.]

ORDINANCES.



CITY ORDINANCES.

AN ORDINANCE TO ESTABLISH THE CITY ARMS AND SEAL.

Be it ordained by the City Council of the City of Newburyport as follows:



SECTION 1. The arms of the city shall be the following, to wit: Quarterly, first, two light-houses, in the distance a snip under full sail; second, a steam mill; third, ship on the stocks; and fourth, (the seal of Newbury in England), on a mount, three domed towers, on each a penon; crest, a mural coronet, surmounted by two hands conjoined; supporters, two female figures, that on the dexter side representing America, and that of the sinister Massachusetts; scroll, *Terra Marique*.

SECT. 2. The seal of the city shall bear as a device the shield, crest and scroll of the arms of the city, with the legend, "City of Newburyport, A. D., MDCCLXI."

[Passed September 1, 1851.]

AN ORDINANCE CONCERNING CITY ORDINANCES.

SECTION 1. All by-laws passed by the city council shall be termed ordinances, and the enacting style shall be:—Be it ordained by the city council of the city of Newburyport as follows:

SECT. 2. All ordinances shall be recorded by the city clerk in a fair and legible hand, without interlineation or erasure, and the order in which they shall be passed, in a book to be kept for that purpose, made of strong linen paper, with proper margins and index, and strongly bound, to be lettered "Record of Ordinances of the city of Newburyport," which book shall be preserved in the office of the city clerk subject to the inspection of the citizens.

SECT. 3. All ordinances, and also any orders of the mayor and aldermen which the mayor may deem advisable, shall be promulgated by causing the same to be inserted two weeks successively in one or more newspapers published in the city; and the mayor may, in his discretion, cause any such ordinance or order to be printed separately and distributed among the citizens.

[Passed July 1, 1851.]

AN ORDINANCE PROVIDING FOR THE EXECUTION OF DEEDS IN BEHALF OF THE CITY.

The mayor is hereby authorized and empowered to affix the seal of the city unto, and to execute and deliver in behalf of the same, all deeds and other legal instruments required by any order of the city council.

[Passed July 1, 1851.]

AN ORDINANCE PRESCRIBING THE MODE OF APPOINTMENT OF CERTAIN CITY OFFICERS.

Be it ordained by the City Council of the City of Newburyport as follows:

The mode of electing all city officers for which provision is not otherwise made, either by the laws of the commonwealth or by some other ordinance of the city, shall be as follows, to wit: they shall first be elected by the mayor and aldermen, and sent down to the common council for its concurrence, rejection or amendment.

Passed July 27, 1851.

AN ORDINANCE CONCERNING THE FORM OF WARRANTS, AND THE MANNER OF SERVING, EXECUTING AND RETURNING THE SAME.

SECTION 1. The form of warrants for calling meetings of the citizens of the several wards, shall be as follows, viz:

CITY OF NEWBURYPORT.

To either Constable of said city, Greeting:

In the name of the commonwealth of Massachusetts, you are hereby required forthwith to warn the citizens of ward No. —, qualified to vote as the law directs, to assemble at ——— on ——— the ——— day of ——— at — o'clock in the forenoon, then and there to give in their ballots for——

Hereof fail not, and have you there this warrant with your doings thereon.

[Seal.] Witness, ———, mayor of said city of Newburyport, this — day of ———, in the year of our Lord one thousand eight hundred and——.

By order of the mayor and aldermen.

—————, City Clerk.

SECT. 2. The form of warrants for calling general meetings of the citizens, shall be as follows, viz:

CITY OF NEWBURYPORT.

To either of the Constables of said city:

In the name of the commonwealth of Massachusetts you are hereby required forthwith to warn the citizens of Newburyport, qualified to vote as the law directs, to assemble in general meeting at City hall, on ———, the ——— day of ———, at — o'clock, then and there to ———.

Hereof fail not, and have you there this warrant with your doings thereon.

[Seal.] Witness, — ———, mayor of our city of Newburyport, on this — day of —, in the year of our Lord one thousand eight hundred and —.

By order of the mayor and aldermen.

—————, City Clerk.

SECT. 3. All warrants, whether for calling general meetings, or meetings of the several wards, shall be issued by the mayor and aldermen, four days at least before the holding of the same; they shall be signed by the city clerk, and they shall be served by either constable of the city by leaving a copy thereof at the residence of each citizen qualified to vote at the meetings called thereby, by posting a copy thereof in a suitable public place, or by publishing the same in one or more of the newspapers of the city, as the mayor and aldermen may direct. And the constable to whom any warrant shall be delivered for service, shall seasonably return the same with his doings thereon, to the mayor and aldermen if it be for a general meeting, otherwise to the warden of the ward named therein.

SECT. 4. It shall be the duty of the mayor and aldermen to fix the time when the poll shall be opened and closed, in the election of all officers except ward officers, and to insert the same in the warrant for the meeting.

[Passed July 1, 1851.]

AN ORDINANCE PROVIDING FOR THE APPOINTMENT OF A CLERK OF THE BOARD OF OVERSEERS OF THE POOR, AND PRESCRIBING THE DUTIES OF THE SAME.

SECTION 1. The board of overseers shall annually, in the month of January, choose a clerk; not a member of their board, removable at their pleasure, whose salary shall be fixed by the city council.

SECT. 2. It shall be the duty of said clerk to perform all those duties required of the present clerk of the overseers, and such others as may be required of him by the provisions of this ordinance or by the board of overseers.

SECT. 3. Said clerk shall perform the duties of clerk of the almshouse, he shall make all purchases, except such as pertain to the city store, and collect all dues pertaining to this department, under the direction of the board; shall keep their accounts and those of the alms house and submit them for their approval; and all bills against the city treasury connected with this department shall, after approval by the board, be laid before the committee of accounts for their approval before being paid by the city treasurer.

It shall further be his duty to receive all applications for relief, and to this end he shall hold office at stated times either at the almshouse or such other place as the overseers may designate, and he shall investigate the same and report the result of each investigation to the board; he shall keep a record, properly indexed, of all cases of persons receiving aid from the city and of how the same have gained a settlement; he shall also keep a record of all persons not having a residence in Newburyport and who may

in any way be assisted by the city in order that proper charges for the same may be recovered from those liable for their support, and also of those having a settlement here who are receiving aid from other places.

[*Passed* December 3, 1866.]

AN ORDINANCE ESTABLISHING THE OFFICE OF CITY MESSENGER.

SECTION 1. There shall annually, in the month of January, be elected by a joint ballot of the city council in convention, a suitable person to be styled city messenger, who shall receive, deliver, and execute all notifications, summonses and precepts issued by the mayor, the president of the common council, the city council, or either branch thereof, or by any committee of the same, and make due return thereof. He shall prepare and arrange the rooms in which the city council shall hold their sessions, and attend on both branches when in session, or on either when in session separately, and, under the direction of the proper committees or officers, provide fuel, lights and other things necessary for the accommodation of both branches of the city council or any committee thereof. He shall receive and deliver all notifications to officers elected by the city council, by the mayor and aldermen, or at ward meetings, and he shall deliver all notifications to committees of the city council upon the request of the city clerk, clerk of the common council, or chairman of any committee of the city council, or of the mayor and aldermen, or of the common council. He shall have the superintendence of the City

hall and the adjoining rooms, and keep all the rooms in the City hall building, including the City hall, entries, and stairs, in good order and condition, clean and ready for use. He shall move the settees, keep them clean and ready for use, and erect and move stages in and from said City hall building as occasion may require. He shall remove within twenty-four hours after the ceasing to fall of the same, all the snow which may fall on the sidewalks adjacent to said building and the paths about the same. He shall receive for his services such compensation as the city council shall annually or from time to time allow.

SECT. 2. This ordinance shall take effect upon its passage, and all ordinances establishing the office of city messenger, and all ordinances in addition thereto heretofore passed, are hereby repealed, provided that such repeal shall not in any manner affect any rights which may have been acquired by any party under said ordinances or any of them, or any appointments or elections heretofore made, or any acts done under and by virtue of said ordinances or any of them.

[Passed October 15, 1869.]

AN ORDINANCE AUTHORIZING THE APPOINTMENT AND PRESCRIBING
THE DUTIES OF CITY MARSHAL AND ASSISTANTS.

SECTION 1. The mayor and aldermen shall forthwith, and hereafter, annually, in the month of January or February, appoint a city marshal who shall receive such compensation for his services as the city council shall direct.

SECT. 2. Said city marshal shall be appointed to the office of constable, and he shall have precedence

and command over the other constables whenever engaged in the same service, or when directed thereto by the mayor and aldermen. And the said city marshal, before entering upon the duties of his office shall be sworn to the faithful performance of the duties thereof by the mayor; he shall also give bonds, in a sum not less than five hundred dollars, with sufficient sureties, for the faithful performance of the duties of said office.

SECT. 3. It shall be the duty of the city marshal and of his assistants to pass from time to time through the streets and alleys of the city with a view to remove, by prosecution or otherwise, all nuisances, obstructions and impediments therein; he shall receive all complaints for any violation of the laws in relation to the city and of the ordinances and by-laws thereof, and for that purpose shall attend daily, at some stated time, in one of the public offices in the city, to be designated by the mayor. He shall prosecute all offenders against such laws, ordinances and by-laws, as soon as may be, and shall take all proper measures to enforce and carry into effect all and every section of the city ordinances and by-laws; he shall obey and execute all the orders and commands of the mayor and aldermen in relation to any matter or thing concerning the city, and shall comply with all such regulations as may by them at any time be prescribed; he shall keep a correct record of the doings of his office and shall make a regular report thereof to the city council once in three months, and at such other times as they may require, which report shall contain an exact account of all fees received by him or his assistants for services of process either civil or criminal,

and all other fees which he or they may have received or to which he or they may be entitled, as executive officers, complainants, witnesses or otherwise. This report shall also contain a full statement of all prosecutions instituted in the police court of this city, for offenses committed within its limits, either against the laws of the state or the by-laws and ordinances of the city, and the statement shall discriminate between those prosecutions founded upon the complaints of the city marshal and any of his assistants or constables of the city, and those founded upon the complaints of other persons. The city marshal shall receive, collect and pay over to the treasurer of the city, all fines and penalties incurred for a violation of its by-laws and ordinances.

SECT. 4. All fees of whatsoever nature or kind accruing to the city marshal or his associates, either as officers, complainants or witnesses in criminal business, shall be paid into the city treasury for the use of the city.

SECT. 5. The mayor and aldermen may at any time, by vote, remove from the office, the city marshal or either of his assistants, and thereupon, or in case of his or their death or resignation, proceed to appoint a successor or successors for the residue of the year.

SECT. 6. This ordinance shall take effect upon its passage, and all ordinances heretofore passed authorizing the appointment and prescribing the duties of city marshal and assistants are hereby repealed, provided such repeal shall not in any manner affect any rights which may have been acquired by any party under said ordinances or any of them or any appoint-

ment of a city marshal made under and by virtue of said ordinance or either of them, or any acts done under and by virtue of said ordinances or any of them.

[*Passed* September 6, 1869.]

AN ORDINANCE CONCERNING CONSTABLES.

SECTION 1. The mayor and aldermen may appoint such number of constables for the service of civil precepts as they shall deem proper, who shall be qualified by giving bonds according to law, which constables shall be entitled to all fees received by them for the service of civil processes; but all fees received by them for services in criminal cases shall be paid into the city treasury, except for services during the absence from the city or sickness of the city marshal or his assistants, or when called upon to perform the service by him or them.

SECT. 2. The constables of the city shall, in case of fire within the city, repair to the place where the fire may be and attend diligently to the preservation of the public peace and the prevention of thefts, and of the loss or destruction of property.

[*Passed* March 1, 1858.]

AN ORDINANCE ESTABLISHING A NIGHT WATCH FOR PRESERVING THE SAFETY AND GOOD ORDER OF THE CITY.

SECTION 1. The mayor and aldermen are authorized and required, annually, in the month of January or February, to appoint such number of persons to

be watchmen by night in the city of Newburyport as they shall deem expedient, and to remove the same at their discretion, and to designate one of said watchmen to be officer of the watch.

SECT. 2. The officer of the watch and the other watchmen appointed by virtue of this ordinance shall have all powers and perform the duties enacted in reference to such officer and watchmen by the general statutes of the commonwealth, and shall receive directions as to the hour of setting and closing the watch, and all other matters appertaining to their office from the mayor and aldermen.

SECT. 3. The said officer of the watch and other watchmen shall receive such compensation for their services as the mayor and aldermen shall from time to time establish.

[*Passed* May 20, 1861.]

AN ORDINANCE TO ESTABLISH A BOARD OF HEALTH AND TO PRESCRIBE REGULATIONS CONCERNING THE SAME.

SECTION 1. [The city physician together with two persons appointed by the mayor and aldermen, in accordance with chapter 133 of the acts 1877, shall constitute the board of health,] with full power to regulate quarantine, provide for accidents of contagion or infection, remove nuisances or other causes of disease or impurity of air, and generally to possess the powers and perform the duties of boards of health as defined by the laws of the commonwealth.

¹ Amended June 14, 1880.

SECT. 2. Any place of deposit for house, shop or other rubbish or refuse matter, and any drain, privy or vault in any part of the city which shall appear to the board of health to be unfit, insufficient or not properly situated, constructed or cleansed, and any cellar or vacant ground and any hog-pen or deposit of manure in the compact part of the city may, in the discretion of said board, be declared and deemed a public nuisance, and as such be held subject to all the provisions concerning the removal or abatement of of the same provided by the general laws of the commonwealth.

SECT. 3. No vault or privy shall hereafter be constructed so that the inside thereof shall be less than three feet distant from the land of an adjoining proprietor without his consent, nor less than six feet from any public street or way; and if constructed at a less distance in either case the same shall be deemed a public nuisance and treated as such; and no person shall remove the contents of any vault or privy or any portion of said contents without first obtaining permission in writing from some member of the board of health, who in such permission shall express the time and manner of such removal, nor shall said contents or any portion thereof be removed in any other way or manner or at any other time than shall be expressed in such permission.

SECT. 4. No person shall cast any dead animal, fish entrails, decayed vegetables, house or other rubbish, or any other foul or offensive matter into any pond within the city, or into any dock or landing place within the city or any of the waters of the river or sea adjacent thereto except at a point below

low water mark or at such place or places above the same as may be designated by the board of health.

SECT. 5. It shall be the duty of the city marshal, under the direction of the [board of health,] to see the execution of the laws of the commonwealth and of all the ordinances and rules of the city council having relation to the health of the city, for which purpose he shall at any time between sunrise and sunset have power to enter any enclosure, building, or vessel, when thus ordered by the board of health.

SECT. 6. This ordinance shall take effect upon its passage, and all ordinances to establish a board of health and to prescribe regulations concerning the same heretofore passed and all ordinances in addition thereto heretofore passed, are hereby repealed, provided that such repeal shall not in any manner affect any rights which may have been acquired by any party under said ordinances or any of them, or affect any of the acts, rules, regulations or appointments of the board of health now existing by virtue of said ordinances or any of them.

[Passed September 6, 1869.]

AN ORDINANCE FOR THE PREVENTION OF CERTAIN ACTS IN THE STREETS
AND ON THE PUBLIC GROUNDS OF THE CITY.

SECTION 1. No person except a surveyor of highways, or other person acting under the authority of the legislature or of the city council, shall break or dig up the ground or stones in any street or other way of the city, nor erect any staging for building, nor deposit any stones, bricks, timber or other build-

ing material thereon, without license first had and obtained from the mayor and aldermen, who are authorized to grant the same on such conditions as they may deem safe and proper.

SECT. 2. No person shall make, erect or maintain any doorstep, porch, entrance or passage-way to any cellar or basement, or any bridge or crossing-stone over any gutter or other structure, in or upon any street or other way of the city, without permission in writing from the mayor and aldermen, who shall judge of the propriety of granting the same.

SECT. 3. No person shall suffer his well, cistern or drain to remain open or uncovered in any street or other way of the city without a sufficient curb, guard or fence thereto, nor dig or sink any excavation of the earth, nor suffer any excavation to exist on his own premises adjoining or near to any street or way, unless the same be enclosed by a railing fence for the safety of passers by.

SECT. 4. No person shall continue any carriage or other vehicle of any description, with or without horses or other animals attached thereto, in any street or other way of the city so as to obstruct the same, after having been requested by any person having occasion to use such street or way, or after having been ordered by the mayor or city marshal, or any one authorized by the city, to remove the same.

SECT. 5. No person shall drive, draw or pass any cart, wheelbarrow, carriage, (except children's hand carriages and drawn by hand), sled, or other vehicle, on any sidewalk of the city, nor permit any horse or other draught animal, or any cow, to pass thereon while under his care; nor occupy, encumber or ob-

struct any street by means of boxes, crates, casks, barrels or other things, or in any other way hinder or obstruct the convenient use of the streets and other ways by all passengers.

SECT. 6. No person shall stop his team or carriage, or place any other obstruction on or across any flag stones or other foot ways, which have been or shall be laid in any street or way of the city.

SECT. 7. No person shall ride or drive any horse or other draught animal attached to any carriage or other vehicle in or upon any of the streets or ways of the city for public travel, at a rate of speed inconsistent with the public safety, or the convenience and safety of any person or persons passing or repassing over any of said streets or ways, and any person riding or driving a horse or other draught animal in any street or way of the city shall conduct the same with reasonable care and prudence so as not to endanger the public safety.

SECT. 8. No person shall put or place, or cause to be put or placed, in or upon any street, way, pond or other public place of the city, any house dirt, ashes, shavings, offal, carrion, filth, suds, shreds, shells, stones, or any rubbish or like object whatever, except in such places and manner as the mayor and aldermen may prescribe.

SECT. 9. No person shall put or place any snow, ice or other material in any gutter in any of the streets of the city where a culvert has been or shall hereafter be constructed, so as to prevent the free passage of water into such culvert.

SECT. 10. No person shall suffer his coal or firewood to remain unnecessarily in or upon any street or

other way of the city; and no person shall saw or pile wood, or stand a saw-horse on any sidewalk, to the hindrance or obstruction of any foot passenger.

SECT. 11. No person shall move, or assist in moving any building whatever, through any street or other way of the city, unless by written permission of the the mayor and aldermen, under such restrictions as they may prescribe.

SECT. 12. No person shall swim or bathe without clothes on his person at or in view of any public landing, nor in any such places as are exposed to view from the public streets nor so as unnecessarily to annoy the occupants of dwelling houses.

SECT. 13. No person shall expose for sale or use, any implements of gambling in any public place of the city, nor gamble in any such place.

SECT. 14. No person shall place or maintain any table, tent, stall, booth, or other erection in any public place, for any sale or exhibition, without permission of the mayor and aldermen.

SECT. 15. No person shall fire any rocket, squib, cracker, or other thing formed of gunpowder or other explosive substance in whole or in part; nor make any bonfire of tar barrels or any other substances; nor, except in the performance of some duty authorized by law, discharge any field piece, gun or other firearm in or upon any street or other way, or upon any wharf or landing within the city.

SECT. 16. No person shall behave himself in a rude or disorderly manner, nor use indecent, profane, or insulting language; nor designedly frighten any horse; nor, within the compact part of the city, shoot with bow and arrows, play at ball, coast on sleds, fly

kites, throw stones or other missiles, in any street or other public place, nor be on any sidewalk, door step, fence or porch, to the annoyance of other persons.

SECT. 17. No person shall make indecent figures, nor write indecent words upon any fence, building, post, tree, or other object, or otherwise deface or injure the same.

SECT. 18. No person shall suffer any cellar door or other passage way from the street to a cellar under his control, to remain open except when in immediate use, nor suffer any spout under his control to cast water upon the heads of passengers upon any sidewalk, nor extend any awning beyond the sidewalk so that the lowest part of said awning shall be less than seven feet in height above the sidewalk.

SECT. 19. No person shall remove or erect any post in any street or public way, or on any of the public grounds within the limits of the city, nor change the grade of any such street, way or grounds, or of any sidewalk of any such street, way or grounds, or the width of any such sidewalk, or in any manner alter the grade, width or direction of any path or way running across any of such grounds or the direction of any curb stone of such sidewalk without permission of the mayor and aldermen, and no person shall change the direction or position of any fence or building adjoining any such street, way, or any of such grounds.

SECT. 20. No person shall tie or caused to be tied, any horse or other beast to any tree within the limits of the streets, public ways or public grounds within the limits of the city.

SECT. 21. No horse shall be turned out loose, and

no horse, ass, mule, swine, goat, sheep, cow, or other cattle shall be suffered to graze or go at large in any street, public way, or in any of the public grounds within the limits of the city.

SECT. 22. No person shall take hold of or ride on the back of any chaise, sleigh, or other vehicle, while the same is passing in any street or public way within the limits of the city, without permission of the owner or driver thereof.

SECT. 23. No persons shall remain collected on any sidewalk or in front of any church, dwelling-house or other buildings within the limits of the city, so as to obstruct passage along the same, or to impede or annoy other persons.

SECT. 24. No person shall cut or cause to be cut, any ice from Frog pond or any holes in the ice at a greater distance from the margin of said pond than is necessary for the watering of horses, cows or other animals.

SECT. 25. No person shall wash any horse or horses, cows or other cattle, or any carriage or carriages in Frog pond.

SECT. 26. Any person who shall offend against any of the provisions of this ordinance shall forfeit and pay for each offence a fine of not more than twenty dollars; *provided*, that the complaint for such offence be instituted within three months from the time of its commission.

SECT. 27. This ordinance shall take effect upon its passage and all ordinances for the prevention of certain acts in the streets and on the public grounds of the city, and all ordinances in addition thereto heretofore passed, are hereby repealed; provided that

such repeal shall not in any manner affect any prosecutions for a breach of any provision of any of said ordinances now pending, or any licenses or permissions now granted by the mayor and aldermen, or any acts to be done under such licenses or permissions granted by virtue of said ordinances or any of them.

[Passed October 15, 1869.]

AN ORDINANCE CONCERNING THE PUBLIC LIBRARY.

SECTION 1. The mayor and aldermen of the city of Newburyport shall be trustees of the public library of said city; and, as such, shall have and exercise a general supervision over its affairs.

SECT. 2. Immediately after the passage of this ordinance, the directors of the public library, excepting those only who are directors *ex officio*, shall be divided into seven classes of one each; the first class shall serve until January, 1864; and of the remaining classes, the term of one class shall expire in January of each subsequent year; and no one shall be re-elected within one year after the expiration of his term of office. And hereafter, in the month of January, annually, there shall be elected by the concurrent vote of the city council, voting by ballot, one legal voter of the city, who, together with the six remaining in office, and the mayor, and president of the common council, *ex officio*, shall constitute a board of directors of the public library. The director elected in January, annually, shall hold his office for seven years. Such directors shall hold their office un-

til their successors are chosen. Vacancies may be filled at any time in the manner above prescribed.

SECT. 3. The board of directors shall have the general care and superintendence of the public library; make all purchases and exchanges of books, and cause the same to be kept in good repair; prescribe the duties of the librarian, and have the control and direction of that officer in the discharge of his duties; and establish all convenient and necessary by-laws and regulations to be observed in the use of books, and determine the fines and penalties to be incurred for their non-observance, provided that all such by-laws and regulations shall be approved by the city council before taking effect.

SECT. 4. A librarian shall be appointed and his compensation fixed by the board of directors in the month of January, annually, who shall hold his office for one year and until his successor is appointed, subject to removal at the pleasure of the directors. He shall perform any and all the services in relation to the library, and obey and enforce all such rules and regulations as may be prescribed by the board of directors. He shall act as their secretary and keep full and accurate records of their proceedings, and an account of all receipts and expenditures of the library.

SECT. 5. The board of directors shall, at the first meeting of the city council in the month of December, annually, present a report exhibiting the condition of the library; the number of books added during the year, an account of all receipts and expenditures, and such other information or suggestions as they may deem proper.

SECT. 6. All fines and penalties which may be in-

curred under the rules and regulations shall be collected by the librarian, and paid over monthly to the city treasurer to be by him passed to the credit of a fund to be called the public library fund. All moneys which may be received under the provisions of section seven of this ordinance, and all appropriations by the city council for the benefit of the library, shall be credited to the same fund; and from it shall be paid, upon the approval of the board of directors, the salary of the librarian, and all expenses incurred in the repair of books and in the keeping and enlargement of the library.

SECT. 7. The inhabitants of Newbury and West Newbury above the ages of sixteen years can receive all the privileges of the public library, provided the said towns pay annually in the month of January, their proportion of the expenses of managing said library, compared with those incurred by the city of Newburyport for that purpose,—said proportion to be in the ratio of the respective appraisements of said city and towns in the state valuation; and also that said towns pay one per centum per annum on the cost of the apartments or building employed for said library.

SECT. 8. The ordinance concerning the public library, passed Dec. 17, 1855, is hereby repealed.

[Passed August 3, 1863.]

AN ORDINANCE CONCERNING THE PUBLIC LIBRARY.

Be it ordained by the City Council of the City of Newburyport as follows:

In addition to the number of the board of directors of the public library as now constituted, shall be members thereof, *ex officio*, the three persons appointed by deed of the subscribers to the fund for a public library building, to hold in trust the overplus funds provided by said subscribers for the reparation and improvement of said building, and their successors in office, conformably to the tenor of said trust-deed; provided that a duplicate copy of said deed shall be filed with the city clerk, and that due notice of all changes of said trustees shall be communicated by them in writing, addressed to the city council.

[Passed September 4, 1885.]

AN ORDINANCE ESTABLISHING A SYSTEM OF ACCOUNTABILITY IN THE EXPENDITURES OF THE CITY.

SECTION 1. There shall be appointed at the commencement of each municipal year, a joint standing committee on accounts, consisting of two members of the board of aldermen and three members of the common council, which committee shall meet once at least in every month and carefully examine and audit all accounts and claims against the city which shall be laid before them, certified as provided in the succeeding sections, and shall pass and allow the same if found to be correct and legally due.

SECT. 2. No account or claim against the city shall be received or acted on by the committee on accounts, unless such account or claim shall be ac-

complicated with a certificate of the mayor or some officer, committee or agent, authorized on behalf of the city to make the contract or cause the expenditure to be made, that the same is correct.

SECT. 3. The city clerk shall receive all accounts and claims from persons having demands against the city, which shall have been certified as provided in the foregoing sections. He shall examine all such accounts and claims and see that they are correctly cast, and present the same monthly, neatly folded, filed and labeled, to the committee on accounts. He shall keep a book, under direction of said committee, wherein he shall enter an abstract of every account or claim as finally allowed by said committee, designating the fund or appropriation from which the same shall be paid, and the certificates of said committee allowing the account or claim shall be made in the book thus kept by the city clerk. He shall cause all the books, papers, vouchers and documents under his care, to be securely kept in a fire-proof office or safe belonging to the city, and he shall render such other services respecting the accounts and finances of the city as either branch of the city council or any committee thereof shall from time to time require.

SECT. 4. The city clerk shall also, under direction of the committee on accounts, keep a book or ledger, in which he shall enter the different appropriations made by the city council, each under its appropriate head, and charge to each the different expenditures and payments from time to time made therefrom. Whenever any appropriation shall be exhausted, the city clerk shall immediately give notice thereof to the mayor, to the committee on finance,

and to the committee on accounts, which last named committee shall pass or allow no claim or account chargeable to any head of appropriation which is exhausted until the city council shall have provided further means of paying the same. He shall open an account with the treasurer charging him with the whole amount of taxes for collection, and also with the amount of loans and sums of money which may be borrowed for the city and all securities and sums receivable, in order that the description and nature of all funds belonging to the city may be seen at any time on his books. The assessors shall annually, on the last day of October, or within ten days thereafter, report to the city clerk all abatements of taxes made by them.

SECT. 5. No money shall be drawn out of the city treasury, except on the written order of the mayor, addressed to the treasurer and countersigned by the city clerk.

SECT. 6 The mayor is hereby authorized to draw orders on the treasurer for the payment of any amount or claim against the city allowed and certified by the committee on accounts, as provided in the first section, and for no account or claim not so certified except as provided in the succeeding section, nor shall he draw any order in payment for any class of expenditures beyond the sum specifically appropriated therefor by the city council.

SECT. 7. Any sum of money which shall have been specially appropriated for the payment of principal or interest due on any note or other security of the city may be drawn from the treasury and paid by the order of the mayor for the purpose for which

it was appropriated without any action on the part of the committee on accounts, and whenever it shall be necessary to pay money in advance, on contract made for work begun but not completed, the mayor, upon being satisfied of such necessity, may draw his order on the treasurer for any sum not exceeding five hundred dollars at any one time, and the mayor may draw his order upon the treasurer for any sum of money for the payment of any account or the application of it to the purpose for which it may be generally or specially appropriated whenever ordered so to do by the city council, by an order to be passed by the affirmative votes of two-thirds of the whole number of each branch thereof voting by yeas and nays and concurrently.

SECT. 8. Whenever any money shall be drawn from the treasury for any of the purposes specified and named in the foregoing section, the city clerk shall report the same and the amount thereof to the committee on accounts at their next meeting and shall charge the same under the appropriate head of expenditure.

SECT. All officers of the city who shall in their official capacity receive any money in its behalf shall pay to the treasurer the amount in their hands once in each month and oftener if required. All other persons who shall have in their hands money belonging to the city shall forthwith pay the same to the treasurer.

SECT. 10. All officers and agents of the city receiving money in its behalf, shall, once in each month deliver to the city clerk a report in detail of the amount received and of the disposition made thereof, except in cases otherwise provided.

SECT. 11. The city treasurer shall, under the direction of the committee on accounts, keep in a book provided for the purpose, an accurate and true account of all his receipts and payments in behalf of the city, making the same conform in the mode of entry, as nearly as may be, with the accounts kept by the city clerk. He shall not pay any money out of the treasury except upon orders of the mayor drawn as prescribed in this ordinance. He shall once in six months, and oftener if required, lay before the city council a statement of the condition of the treasury and of all moneys received and paid by him on account of the city during the preceding six months.

SECT. 12. There shall be appointed at the commencement of each municipal year, a committee on finance consisting of the mayor, one member of the board of aldermen and five members of the common council, which committee shall negotiate all loans to the city which may be authorized by the city council, and shall report the same to the city treasurer.

SECT. 13. The committee on finance shall, in the month of April, annually, prepare and lay before the city council an estimate of the amount of money necessary to be raised for the current financial year under the various heads of appropriations, and the ways and means of raising the same, and shall also in the month of December, annually, prepare and lay before the city council a statement of all the receipts and expenditures of the preceding financial year, giving in detail the amount of appropriations and expenditures for each department; and said statement shall be accompanied with a schedule of the property, real and personal, belonging to the city, and the value thereof, and the amount of debt of the city.

SECT. 14. The committee on finance shall at the close of each municipal year, and so much oftener as they shall deem expedient, examine and audit the accounts of the city treasurer, and for that purpose shall have access to all books and vouchers in his possession, or in that of the city clerk, or of any other officers of the city. The said committee shall also ascertain whether all moneys due to the city have been collected and accounted for; and they shall examine all notes and securities in his hands, belonging to the city, and make report thereof to the city council.

SECT. 15. It shall be the duty of the city clerk on or before the fifteenth day of November in each year to give notice by advertising in the newspapers that all accounts against the city are required to be presented, and all sums due the city to be paid on or before the thirtieth day of November then current.

SECT. 16. The city clerk shall give bonds in the penal sum of three thousand dollars for the faithful performance of all the duties of his office as prescribed in the laws of the commonwealth and the ordinances of the city, and the delivery to his successor of all books, papers and property pertaining to his office and under his charge which belong to the city.

SECT. 17. It shall be the duty of the city treasurer on or before the first Monday in each month to enter in a book prepared for that purpose, under their appropriate heads, the monthly schedule of claims against the city as allowed by the committee on accounts, as follows, to wit:—

In the first column the names of the several claimants; in the second the amounts of the several claims;

in the third the footing of each department, and the fourth shall be reserved for signatures. The final footing shall correspond with the amounts allowed and certified to by the committee on accounts as shown by the city clerk's record.

SECT. 18. At the foot of this statement the mayor may draw his order on the city treasurer for the payments of claims allowed, (specifying the amount to be paid on account of each department) and not already paid by order of the mayor drawn under and by virtue of the provisions of section seventh of this ordinance, which order shall be countersigned by the city clerk.

SECT. 19. On payment of the several claims as stated above, the signature of the person claiming the same shall be entered in the column for signatures opposite his name and amount as an acknowledgment that the same has been received.

SECT. 20. The city treasurer shall make up his accounts to the [third Saturday¹] of December, and the financial year shall begin and end on that day in each year.

SECT. 21. The city treasurer and collector shall give bonds, with sufficient sureties, in the sum of twenty thousand dollars, to the satisfaction of the mayor and aldermen, for the faithful performance of the duties of the office of treasurer and collector and accountability for all moneys which may come into his hands as treasurer and collector by virtue of his office.

SECT. 22. The collector of taxes shall give bonds, with sufficient sureties in the sum of twenty thousand

¹ Amended July 5, 1870.

dollars, to the satisfaction of the mayor and aldermen, for the faithful performance of the duties of his office and accountability for all moneys which may come into his hands as collector of taxes by virtue of his office.

SECT. 23. This ordinance shall take effect upon its passage, and all ordinances establishing a system of accountability in the expenditures of the city, and all ordinances in addition thereto heretofore passed are hereby repealed, provided that such repeal shall not in any manner affect any rights which may have been acquired by any party under said ordinances or either of them, or any appointments of committees on finance already made, or any acts now done under and by virtue of said ordinances, or either of them.

[*Passed* October 15, 1869.]

AN ORDINANCE RELATING TO THE SUPERINTENDENCE OF HIGHWAYS.

SECTION 1. The superintendence of the streets, roads, and public squares of the city, is vested in a joint standing committee, consisting of the mayor, the board of aldermen, and one common councilman for each ward, to be styled the joint standing committee on highways, whose duty it shall be to make, put and keep in good order and condition for public travel, all streets, roads, and public squares which now are, or may hereafter be laid out within the city, and to attend to the removal of any obstructions or encroachments thereof.¹

¹ As amended February 17, 1873.

SECT. 2. The standing committee may, annually, in the month of January or February, choose by ballot some suitable person as superintendent of highways, with power, under the direction of said standing committee, to employ such person or persons to labor on said highways as shall be deemed for the interest of the city; and may employ the city teams under the direction of the standing committee on public property.

SECT. 3. The superintendent so chosen shall receive for his services such compensation as said standing committee on highways shall from time to time establish.

[*Passed* May 20, 1861.]

AN ORDINANCE DEFINING THE DUTIES OF THE COMMITTEE ON PUBLIC PROPERTY.

SECTION 1. At the commencement of each municipal year there shall be appointed a joint standing committee on public property, to consist of two aldermen and three members of the common council.

SECT. 2. The said committee shall have the care and custody of all the school-houses, buildings and other property belonging to the city, and of the erection, alteration and repairs thereof, except as otherwise provided, and subject to such rules, orders and regulations as the city council may from time to time adopt.

SECT. 3. The said committee are authorized to lease any building or land belonging to the city which

is not otherwise appropriated, for any period not exceeding three years, upon such terms and conditions as they may deem expedient; provided, however, that in all cases when any landing or building is to be leased for a term exceeding one year, the same shall be subject to an approval of the board of mayor and aldermen; and in all such cases the lease shall be signed by the mayor in behalf of the city.

SECT. 4. Whenever any building for the use of the city shall be erected, altered or repaired, the expense of which may exceed the sum of two hundred dollars, it shall be the duty of said committee to prepare or cause to be prepared, the requisite plans and specifications of the work to be done.

SECT. 5. The committee shall give notice in the newspaper or newspapers in which the ordinances of the city are published, of the time and place for the exhibition of such plans and specifications as may be by them prepared, to enable contractors to make their estimates of the proposed work.

SECT. 6. No proposal shall be received by the said committee from any person offering to contract for such work, unless the same is sealed; and no proposal shall be opened except in committee actually assembled, and the contents of no proposal shall be made known to any person not a member of the committee until after a contract shall have been made; provided, always, that if any such proposals shall be offered by persons who, in the judgment of said committee, shall be incompetent to perform their contracts in a workmanlike manner, or irresponsible in respect to their means of faithfully executing the same, the said committee may in their discretion, reject any such propos-

al, notwithstanding the same be at a lower rate than other proposals offered for the same work.

SECT. 7. In all cases where the amount of any contract shall exceed the sum of one hundred dollars, the contract shall be in writing, and signed by the mayor on the part of the city; and after being signed by the parties, no such contract shall be altered in any particular unless three-fourths of said committee shall signify their assent thereto in writing, under their respective signatures, endorsed on the contract, or by a vote of the city council.

SECT. 8. The amount of expenditures for the foregoing purposes in any one year shall never exceed the appropriations made by the city council for the same, and no expenditure exceeding one hundred dollars shall ever be made in the alteration or repairs of any building, without the express vote of the city council authorizing the same.

SECT. 9. Whenever the city council shall order the purchase of any land or building, such purchase shall be made under the direction of said committee on public property, upon such terms and conditions as the city council shall prescribe.

SECT. 10. No building or land owned by the city shall be sold by any committee without an order from the city council authorizing such sale.

[*Passed* June 3, 1861.]

AN ORDINANCE REGULATING THE PURCHASE OF FUEL FOR THE USE OF THE CITY.

SECTION 1. Hereafter all contracts for and purchases of wood, bark, coal, or other fuel for the use of the city in each and every of its branches and departments where needed, in the public school-houses and all public buildings and offices, shall be made by a committee of the city council to consist of two members of the board of aldermen and three members of the common council and to be styled the joint standing committee on fuel, whose duty it shall be to advertise in a public newspaper printed in said city, and in such other newspapers as the committee may determine, for sealed proposals for furnishing the same, at least ten days previously to making any contract for the same, and the proposals shall contain the terms for which each particular description of fuel will be furnished separately and distinctly, and such proposals being considered shall all be accepted or rejected according to the terms as may be deemed advisable by said committee, and the contract so made shall provide for the delivery of the same at such different times and in such places as may be required by said committee during the year, and such contracts shall be made annually between the months of January and October.

SECT. 2. All fuel of every description which shall be contracted for or purchased by said committee shall, previously to the delivery thereof, be weighed or measured by a weigher or measurer appointed for that purpose by the city. All contracts for hard coal shall be made so that the city shall receive twenty-two hundred and forty pounds for the ton, for each and every ton contracted for.

SECT. 3. The heads of the several departments of the city requiring fuel shall give written notice to said committee in the month of March annually, of the quantity, kind and quality of the several kinds of fuel wanted for their respective departments and of the places where the same shall be delivered, and the said departments shall be ready to receive the same at such times as the said committee may notify them that it is ready for delivery; and the chairman of said committee shall see to the delivery of the same and take receipts for the quantities delivered the departments respectively.

SECT. 4. This ordinance shall take effect upon its passage, and all ordinances regulating the purchase of fuel for the use of the city, and all ordinances in addition thereto heretofore passed, are hereby repealed; provided that such repeal shall not in any manner affect any rights which may have been acquired by any party under said ordinances or any of them, or any appointments heretofore made, or any contracts or purchases heretofore made, or any acts done by said committee acting under said ordinances or any of them, under and by virtue of said ordinances or any of them.

[Passed September 6, 1869.]

AN ORDINANCE DEFINING THE DUTIES OF THE COMMITTEE ON PRINTING.

SECTION 1. At the commencement of each municipal year there shall be appointed a joint standing committee on printing, to consist of one alderman and two members of the common council.

SECT. 2. The said committee shall make all contracts for the city printing, shall see that the work performed and the material provided are in conformity with the terms of the contract; and shall approve all bills for printing.

[*Passed* November 15, 1858.]

AN ORDINANCE CONCERNING COMMON CRIERS.

SECTION 1. The mayor and aldermen may, from time to time, license as common criers, such number of persons as they may judge to be for the public good, and the said licenses they may at will revoke, but unless sooner revoked, the said licenses shall continue in force until the tenth day of January next after the date thereof.

SECT. 2. No person not licensed as aforesaid shall presume to be a common crier, or to cry any sort of articles, lost or found, stolen goods, strays, public sales or other things, in any of the streets or public places of the city.

SECT. 3. No person shall publicly cry any indecent, profane or libelous matter.

SECT. 4. Every common crier shall keep a list of all matters and things by him cried, and the names of all persons by whom he is employed to cry the same, and shall exhibit said lists and names to the mayor and aldermen whenever thereto required.

SECT. 5. Every person violating the provisions of this ordinance shall forfeit a sum not less than one dollar nor more than twenty dollars for each and every offence.

[*Passed* August 18, 1851.]

AN ORDINANCE RELATING TO HACKNEY CARRIAGES.

SECTION 1. Every hack, stage-coach, omnibus, cab, barouch, or other vehicle, whether on wheels or runners, drawn by one or more horses or other animal power, which shall be used in the city of Newburyport for the conveyance of persons for hire from place to place within the said city shall be deemed a hackney carriage within the meaning of these regulations.

SECT. 2. No person or persons shall set up, use or drive in this city any hackney carriage for the conveyance of persons for hire from place to place in this city without a license for the same from the mayor and aldermen, under a penalty of not less than two dollars and not more than seven dollars every time the carriage shall be used for such purpose.

SECT. 3. The mayor and aldermen shall, from time to time, grant licenses to such person or persons, and upon such terms as they may deem expedient, to drive, use or set up hackney carriages for the conveyance of persons for hire; and they may revoke such licenses at their discretion, and a record of all licenses shall be kept by the city treasurer.

SECT. 4. For every license so granted them shall be paid the city treasurer the sum of one dollar for the use of the city, and the city treasurer shall make quarterly reports to the mayor and aldermen of all moneys so paid,

SECT. 5. No license shall be sold, transferred or assigned without the consent of the mayor and aldermen and a certificate thereof endorsed thereon by the city clerk.

SECT. 6. The price or rates of fare to be taken by

or paid to the owner, driver or other person or persons having charge of any hackney carriage, except omnibusses, shall be as follows, that is to say: for carrying passengers from one place to another between and including Marlborough and Ashland streets, thirty-five cents each; below Marlborough street and above Ashland street within the limits of the city—fifty cents each. For children between the ages of seven and fourteen years, one-half the price above named only, to be charged for each child. Every owner, driver or other person or persons having the charge of any hackney carriage, shall carry with each passenger the usual baggage necessary in travelling.

SECT. 7. No hackney carriage used for the conveyance of passengers shall be driven by a minor under the age of eighteen years, unless he be specially licensed by the mayor and aldermen, under a penalty of not less than two dollars and not more than ten dollars for each offence.

SECT. 8. Every hackney carriage licensed agreeably with the provisions of this ordinance shall be numbered; and any owner or driver who shall violate any of the provisions of this ordinance shall be liable to a fine of not less than two dollars and not more than ten dollars for each offence.

SECT. 9. This ordinance shall take effect upon its passage, and all ordinances relating to hackney carriages heretofore passed are hereby repealed, provided that such repeal shall not in any manner affect any rights which may have been acquired by any party under said ordinances or any of them or any appointments heretofore made, or any licenses heretofore

granted by the mayor and aldermen under and by virtue of said ordinances or any of them.

[Passed Sept. 6, 1889.]

AN ORDINANCE RELATING TO PAWNBROKERS.*

SECTION 1. No person shall carry on the business of a pawnbroker in this city unless he is duly licensed therefor by the mayor and aldermen.

SECT. 2. Every person carrying on said business shall keep a book in which he shall record at the time of receiving any article as a pawn, a description of the article so received, the name, age and residence of the person from whom, and the day and hour when he so received it, and that book shall at all times be open to the inspection of the mayor or either of the aldermen, or of any person by the board of aldermen authorized to make such examination.

SECT. 3. No pawnbroker shall directly or indirectly receive any article in pawn of any minor or apprentice knowing or having reason to believe him to be such. All articles taken or held by any pawnbroker shall be exhibited to the mayor or either of the aldermen, or to any person authorized by the board of aldermen to make such examination whenever a demand shall be made by either of them for such exhibition.

SECT. 4. All licenses granted under this ordinance shall designate the place where the person licensed may carry on his business, and he shall not en-

*Gen. Stat., chap. 88, sections 28-30; chap. 185, acts 1877; chap. 102, acts 1879; chap. 147, acts 1876.

gage in, or carry on his business under his license in any other place than the one so designated; and all the provisions of this ordinance shall be incorporated in every license which shall be granted under it.

SECT. 5. Any person offending against either of the provisions of this ordinance shall forfeit a sum not exceeding fifty dollars for each offence.

[Passed March 16, 1868.]

AN ORDINANCE RELATING TO DEALERS IN JUNK, OLD METALS AND SECOND-HAND ARTICLES.*

SECTION 1. All licenses which shall be granted according to law to any persons to be keepers of shops for the purchase, sale or barter of junk, old metals, or any second-hand article, and to be dealers therein, shall contain the following conditions and restrictions:

First, That every person at the time of receiving said license, shall pay therefor the sum of ten dollars.

Second, That every keeper of such shop shall keep a book in which shall be written at the time of every purchase of any such article, a description of the article or articles purchased, the name, age and residence of the person from whom, and the day and hour when such purchase was made; and such book shall at all times be open to the inspection of the mayor and aldermen of the city, and to any person by them respectively authorized to make such inspection.

Third, That every keeper of such shop shall put in some suitable and conspicuous place on his shop, a sign

*Gen. Stat. chap. 88, sections 25-27; chap. 205, acts 1862; chap. 147, acts 1876.

having his name and occupation legibly inscribed thereon in large letters, and such shops and all articles of merchandise therein, may be examined by the mayor and aldermen, or by any person by them respectively authorized to make such examination at all times.

Fourth, That the said shops shall not be kept open except at such hours as shall be specially allowed by the terms of the license; and that no purchase of the articles aforesaid shall be made by the keepers thereof, or by any person for them, except during such hours as shall be designated in the license.

Fifth, That no keeper of such shop shall directly or indirectly either purchase or receive by way of barter or exchange, any of the articles aforesaid of any minor or apprentice, knowing or having reason to believe him to be such.

Sixth, That no article purchased or received shall be sold until a period of at least one week from the date of its purchase or receipt shall have elapsed.

SECT. 2. Any person who shall violate either of the rules, regulations, or restrictions contained in his license, as aforesaid, shall forfeit a sum not exceeding twenty dollars for each offence.

[Passed June 16, 1863.]

AN ORDINANCE, CONCERNING THE ADMEASUREMENT AND SALE OF WOOD
BARK AND COAL.

SECTION 1. There shall be appointed annually, and at such other times when occasion requires, such

number of persons as the city council may decide, to be measurers of wood and bark, and inspectors of the measurement of coal; any of whom shall be subject to be removed by the mayor and aldermen when it shall appear to them that he is negligent or unfaithful in his office.

SECT. 2. The fees for measuring a load or pile of wood or bark not exceeding two and a half cords shall be twelve and a half cents; over two and a half cords and not exceeding ten, five cents per cord; over ten cords, four cents per cord; and for measuring a load of charcoal, twelve and a half cents; said fees to be paid by the measurer to the seller, and repaid by the purchaser.

SECT. 3. The said measurer shall see that all baskets used in the measurement of charcoal brought into the city for sale are of legal dimensions, and shall respectively be entitled to receive the penalty provided by law for the use of unlawful baskets, whenever they shall apprehend any person offending in this behalf.

SECT. 4. The mayor and aldermen may in their discretion, assign and prescribe the places for the measurement and sale of wood and bark brought into the city for sale by land, or at the public landing places on the river Merrimac.

SECT. 5. Measurers of wood and bark shall use a form of certificate of measurement to be furnished by the city clerk; and they shall annually, on the first Monday in January of each year, file in the office of the city clerk a return of the wood, bark and coal measured by them respectively during the preceding year.

[*Passed* December 15, 1851.]

AN ORDINANCE PROHIBITING THE PASSING OF VEHICLES THROUGH THE STREETS DURING THE PROGRESS OF A FIRE.

SECTION 1. No horse, or vehicle of any description, shall be allowed to pass through any street or streets of the city where a fire is in progress, or through any street or streets where fire engine hose is laid.

SECT. 2. It shall be the duty of the city marshal and his assistants, on an alarm of fire, to repair forthwith to the place where the fire may be, and, under the direction of the commanding engineer enforce the provisions of section first of this ordinance.

SECT. 3. If any person shall violate any of the provisions of this ordinance he shall forfeit for such offence a sum not exceeding twenty dollars.

[Passed April 25, 1870.]

AN ORDINANCE IN RELATION TO THE ERECTION OR ALTERATIONS OF BUILDINGS.

SECTION 1. All persons intending to erect, or to make any alterations in the external walls of any building or buildings of any description, any part of which is to be placed upon or within ten feet of any of the public streets, squares or alleys of the city, shall, before he or they proceed to build or erect the same, or to lay foundations, or to make the said alteration, give notice in writing of such their intention to the mayor and aldermen at least ten days before doing any act for carrying such their intention into execution, in order that any encroachment or any other

injury or inconvenience to the said public streets, squares or alleys which might otherwise happen may be prevented.

SECT. 2. It shall be the duty of the city clerk to enter in a book to be kept for the purpose an abstract of all such notices of intention.

SECT. 3. Any person violating any of the provisions of this ordinance shall forfeit for each offence a sum not exceeding twenty dollars.

SECT. 4. This ordinance shall take effect from the date of its final passage.

[Passed September 5, 1870.]

AN ORDINANCE TO REGULATE THE SALE AND INSPECTION OF
KEROSENE, PETROLEUM AND ITS PRODUCTS.

SECTION 1. The mayor and board of aldermen shall appoint annually before the first day of April, a suitable person to be inspector of burning fluids according to the general statutes of 1869, chapters 152 and 345, and to fix his compensation to be paid by persons requiring his services under the provisions of said statutes.

SECT. 2. The inspector shall be duly sworn to perform the duties of said office as made and provided in the above chapters, and any fraud, deceit or culpable negligence in the performance of the same shall be punished as therein provided.

SECT. 3. All persons keeping for sale kerosene or any of the products of petroleum or other burning fluids, shall obtain of the mayor and board of alder-

men a license to sell the same after being duly inspected.

SECT. 4. Any person dealing in such burning fluids without proper license, after the first day of April, 1871, shall be liable to prosecution and fine under the provisions of said statutes.

[*Passed* April 5, 1871.]

AN ORDINANCE IN RELATION TO THE ACCOUNTABILITY OF THE TRUSTEES OF THE DEXTER AND ATWOOD FUNDS.

SECTION 1. The trustees of the Dexter and Atwood funds shall keep an accurate record of all the monies received by them, and also a full record of all monies paid by them, taking vouchers therefor. The said trustees shall render annually in the month of November to the auditors of said funds a full report of all their doings, and furnish the vouchers for all amounts expended, agreeably to the provisions of an act establishing the city of Newburyport, approved April 4, 1863, which constitutes the mayor, president of the common council and city treasurer a board of auditors.

SECT. 2. This ordinance shall take effect upon its passage.

[*Passed* March 4, 1872.]

AN ORDINANCE CONCERNING THE ASSESSMENT AND COLLECTION OF TAXES.

SECTION 1. The city treasurer shall be the collector of taxes, and of all rents and other sums payable to the city not otherwise specially provided for.

SECT. 2. The assessors shall make their valuation of estates, and complete the assessment of all taxes, and place lists thereof in the hands of the collector, on or before the first day of August in each year.

SECT. 3. The assessors shall make a separate assessment upon each and every person upon whom a poll tax only is to be assessed, as soon as they may have ascertained the number and names of such persons, and forthwith commit the same to the collector in due form of law; and the said taxes shall be payable when demanded by the said collector, and in all cases of neglect or refusal to pay the same a warrant may be issued for the collection thereof according to the statute in such case provided.

SECTION 4. The collector of taxes shall within thirty days after the assessors shall have placed any list of taxes in his hands for collection, deliver to every person on whom any tax other than a poll tax shall have been assessed, or leave at his usual place of residence or business a bill of such taxes, which shall be equivalent to a special demand of payment thereof by the collector, and in case any such tax shall be due and unpaid on the tenth day of September in each year, the collector may issue a summons to the person or corporation owing such tax, and if the said tax be not paid within ten day after the service of said summons, with twenty cents for said summons, a warrant shall be issued for the collection of the same according to law.

SECT. 5. The assessors shall have at least three public sittings, giving five days previous notice thereof in the city papers, for the hearing of claims for abatements provided for by law. They shall decide

fully upon all applications for abatements on or before the first day of October in each year. They shall also keep an exact record of all abatements allowed and the reasons therefor, and shall lay such record before the city council in the month of November annually.

SECT. 6. This ordinance shall take effect upon its passage, and all ordinances concerning the assessment or collection of taxes, and all ordinances in addition thereto heretofore passed are hereby repealed, provided that such repeal shall not in any manner affect any rights which may have been acquired by any party under said ordinance, or either of them, or any acts now done under or by virtue of said ordinances, or either of them.

[Passed March 4, 1872.]

AN ORDINANCE IN RELATION TO THE ESTABLISHMENT AND REGULATION OF SINKING FUNDS TO PROVIDE FOR THE PAYMENT AND REDEMPTION OF THE CITY DEBT.

SECTION 1. The mayor, [the city auditor], and the president of the common council shall, *ex-officio*, with two persons to be chosen from the citizens at large, as hereinafter designated, constitute a board of commissioners on the sinking funds herein established for the payment or redemption of the city debt. Upon the passage of this ordinance there shall be chosen by the concurrent vote of the two branches of the city council two members of said board from the citizens at large, one to hold office for one year, and one for two years from the last Monday in December,

¹ Amended June 14, 1830.

in the year 1872. In the month of November, 1873, and annually afterwards, there shall be chosen in the same manner one member of said board from the citizens at large to hold office for two years from the last Monday in December following. The mayor shall be the chairman of the board so constituted, and the said board shall have the control of all the sinking funds herein provided for.¹ [The said commissioner shall choose the city treasurer, as treasurer of said board, and his board shall apply to and include duties performed under this ordinance and the act of 1875, chapter 209.]

SECT. 2. A sinking fund for the redemption, at maturity, of all loans which shall hereafter be negotiated, including all loans already authorized, but not negotiated, and for payment of the existing city debt, shall be created as follows:

On account of each of such loans an appropriation equal to three per cent per annum, and on account of the city debt an appropriation equal to one and one-half per cent per annum shall be made; the amount so raised annually by taxation shall be paid by the treasurer to commissioners of the sinking fund on or before the second Monday of November in each year, and the said commissioners shall invest the same with its accumulations either in the permanent or temporary loans of the city, in the notes or bonds of any city or town in the commonwealth, the bonds of the state of Massachusetts, or the bonds of the United States, and in no other securities, and said investments shall bear interest at the rate of at least six per cent per annum. The bonds of the city of Newburyport thus acquired

¹ Amended June 14, 1880.

shall not be cancelled but shall remain as a part of the assets of the specific fund with which they were purchased. Provided that whenever it shall appear to the said commissioners that any sinking fund herein created will be more than sufficient to meet the loan for which it is intended when it falls due, said commissioners may, in their discretion, purchase city scrip or bonds and discontinue further taxation on account of the same for such length of time as they may deem expedient.

SECT. 3. All excess of revenue over estimates and of appropriations over expenditures at the close of each financial year shall be set apart and paid by the treasurer to the commissioners of the sinking fund created by this ordinance, and only the residue of the full amount required, as specified in section 2, shall be raised by taxation the year next succeeding the close of each financial year, and the amount so required shall be certified to by the said commissioners, and become a part of the amount to be raised by taxation, without further votes of the city council.

SECT. 4. All excess of revenue over estimates and of appropriations over expenditures at the close of each financial year, after the requirements of section 3 are fulfilled, and all revenue from any other source than the sinking fund, shall be placed to the credit of the said commissioners, to be used by them for the purchase of the debt of the city, or to cover the deficit in any sinking fund when the debt to which it is applicable matures.

SECT. 5. Whenever any debt to be paid from the sinking fund becomes due, the commissioners shall furnish the treasurer from the funds in their care for

said payment the sum required, or so much as shall be to the credit of said debt or loan, and take his receipt therefor; and if said amount is in excess of the debt the residue shall be used for the purchase of the debt of the city as herein before provided.

SECT. 6. All loans to the city from the sinking funds shall be made upon securities payable only to said commissioners.

SECT. 7. When, in the judgment of said commissioners, any sinking fund under their control is sufficient, with its prospective accumulations and additions, to meet the outstanding debt to which it is applicable, they shall notify the city council, so that further taxation on account of said debt may cease. Said commissioners may apply said fund to the purchase or payment of the capital of the debt of the city in the manner they may from time to time deem expedient.

SECT. 8. The commissioners shall report to the city council annually, on or before the first Monday of July, the exact condition of the several funds under their control to the first day of said month. The city treasurer shall keep the account of the several sinking funds in a book for that purpose, in such form and manner as the said commissioners shall direct, and he shall furnish to the committee on finance annually, on or before the last Monday in December, a statement of the condition of the several funds on the thirtieth day of November preceding, which statement shall be printed in the annual report of the receipts and expenditures.

SECT. 9. The city council shall annually make appropriations for the payment of such expenses as may be necessary for the proper care and management of

[Passed January 3, 1873.]

the several funds; provided, however, that the two persons chosen from the citizens at large as above provided, shall serve without pay; said appropriations to be expended under the direction and approval of the committee on finance.

AN ORDINANCE IN RELATION TO THE ATKINSON COMMON.

SECTION 1. The mayor and the president of the common council shall, *ex officio*, with three persons to be chosen as hereinafter designated, constitute a board of commissioners of the Atkinson common, to carry out the provisions and limitations of the will of Mrs. Eunice Atkinson Currier granting the same, and who shall have the proper care, management and supervision of the same. Upon the passage of this ordinance, there shall be elected, by concurrent vote of the two branches of the city council, three members of said board from the citizens at large; one to hold office for one year, one for two years, and one for three years, from the last Monday in April in the year 1873. In the month of March, 1874, and annually afterwards, there shall be chosen in the same manner one member of said board, from the citizens at large, to hold office for three years from the last Monday in April following.

SECT. 2. All money received for account of said Atkinson common shall be deposited with the city treasurer, in trust, subject to withdrawal by a majority of the board of commissioners only for expenditures on said Atkinson common; and the accounts of the Atkinson common shall be kept by the city treasurer

in such form and manner as the commissioners may direct.

SECT. 3. The board of commissioners shall make a report of their doings, receipts and expenditures to the thirtieth day of November in each year, to the city council, before the last Monday in December.

SECT. 4. The board of commissioners shall serve without pay.

SECT. 5. Nothing in this ordinance shall be construed as allowing the board of commissioners to dispose of the land on the southwest side of High street, as the manner of the disposition of that property is provided for in the will of Mrs. Currier.

SECT. 6. This ordinance shall take effect on its passage.

[Passed September 1, 1873.]

AN ORDINANCE RELATING TO THE SUPERINTENDENCE OF BRIDGES
AND CULVERTS.

SECTION 1. The superintendence of all the bridges and culverts of the city is vested in a joint standing committee, consisting of two aldermen and three common councilmen, to be styled the joint standing committee on bridges, whose duty shall be to make, put and keep in good order and condition for public travel all bridges which are now within the city, and to attend to the removal of any obstruction thereof. Also, to make, put and keep in repair all culverts now built or which may hereafter be built.

SECT. 2. The standing committee may annually,

in the month of January or February, choose by ballot some suitable person as draw tender for the Newburyport bridge, whose duty shall be to take care of the bridge night and day, and cause the draw thereof to be opened at all times when required for the passage of vessels and close the same forthwith. He shall see that the abutments and piers are also in a safe and satisfactory condition, that the lamps thereon are well lighted, that the railing and plank are in good order, subject to the authority and control of the standing committee.

SECT. 3. The draw tender so chosen shall receive for his services such compensation as the city council shall from time to time establish.

SECT. 4. Whenever any bridge or culvert for the use of the city shall be built, altered, or repaired, the expense of which shall exceed the sum of two hundred dollars, it shall be the duty of the committee to give notice in the newspaper or newspapers in which the ordinances of the city are published, to contractors, of the proposed work to be done.

SECT. 5. No proposal shall be received by the said committee from any person offering to contract for such work unless the same is sealed; and no proposal shall be opened except in committee actually assembled, and the contents of no proposal shall be made known to any person not a member of the committee until after a contract shall have been made; provided always that if any such proposals shall be offered by persons who, in the judgment of said committee, shall be incompetent to perform their contracts in a workmanlike manner, or irresponsible, in respect to their means, of faithfully executing the

same, the said committee may in their discretion reject any such proposal, notwithstanding the same be at a lower rate than other proposals for the same work.

SECT. 6. No expenditure exceeding one hundred dollars shall ever be made in the alteration or repairs of any bridge or culvert without the express vote of the city council authorizing the same.

SECT. 7. The standing committee shall have special care and direction for the interests of the city in the making and maintaining of any bridge or culvert built or to be built by any horse or steam railroad.

SECT. 8. This ordinance shall take effect on its passage, and all ordinances giving the care of bridges or culverts to the committee on highways are hereby repealed; provided that such repeal shall not in any manner affect any right which may have been acquired by any party under said ordinances, or contracts heretofore made by said committee acting under said ordinances.

[Passed February 17, 1873.]

AN ORDINANCE RELATING TO TRUANTS.

SECTION 1. The city of Newburyport hereby adopts the two hundred sixty-second chapter of the laws of this commonwealth, passed May 2, 1873, entitled, "An act concerning truant children and absentees from school," and avails itself of the provisions of said act.

SECT. 2. Every child between the ages of seven

and fifteen years of age who shall be convicted of being an habitual truant from school, and any minor between the age of seven and fifteen years convicted of wandering about in the streets and public places of this city, having no lawful employment or business, not attending school and growing up in ignorance, shall be committed to the Lawrence Industrial school for a term not less than three months nor more than two years, as the justice or court having jurisdiction may determine; provided, however, that any minor so committed may, upon proof of amendment or for other sufficient cause shown upon a hearing of the case, be discharged by such justice or court.

SECT. 3. This ordinance shall go into effect from and after its passage and approval of the superior court or one of the justices thereof, or by the judge of probate for the county of Essex, and the ordinances relating to the same subject, passed May 2, 1864, and prior thereto, are hereby repealed.

[Passed September 7, 1874.]

ESSEX, SS.

SUPERIOR COURT, October term, A. D. 1878.

Presented and approved,

WILLIAM ALLEN, *Presiding Justice.*

AN ORDINANCE CONCERNING ENCROACHMENTS ON THE STREETS AND PUBLIC GROUNDS OF THE CITY.

SECTION 1. No person shall construct or place, or cause to be constructed or placed, any portico, porch, door step, window, post, fence or edifice projecting

into any street, public ground or highway in the city of Newburyport.

SECT. 2. If any person shall violate any provision of section first of this ordinance, he shall for such offence forfeit a sum not less than four dollars nor more than twenty dollars.

SECT 3. No person shall suffer or permit any portico, porch, door, window, step, post, fence, edifice or other obstructions to remain projecting into any street, public ground or highway in this city, after notice to remove the said portico, porch, door, window, step, post, fence, edifice or other obstructions shall have been given from the board of aldermen of this city, or from some person authorized by them.

SECT. 4. Any person who shall violate the provisions of section third of this ordinance shall, for each and every day on which said ordinance is violated, forfeit the sum of five dollars, provided, however, that in no case upon one complaint alone, shall any person incur fines amounting in the aggregate to more than twenty dollars.

SECT. 5. This ordinance shall take effect on its passage.

[*Passed* February 15, 1875.]

AN ORDINANCE ESTABLISHING THE OFFICE OF CITY SOLICITOR.

SECTION 1. There shall be appointed annually in the month of January, and as often as a vacancy in the office may occur, by the mayor and board of aldermen, a solicitor for the city of Newburyport, who

shall be a resident citizen thereof, and an attorney and counsellor at law of the courts of the commonwealth, and who shall not hold any other office under the city government, or be a member of the city council, during the period for which he is elected, and shall be removable at the pleasure of the mayor and board of aldermen.

SECT. 2. It shall be the duty of said city solicitor to draft all legal instruments, of whatever nature, which may be required of him by the mayor and aldermen, or by the city council, or by either branch thereof, or by any person authorized to represent the city, in all cases where by usage or agreement the expense of drawing should be paid by the city.

SECT. 3. It shall be the duty of said city solicitor, when requested by the proper authority, to commence and prosecute all actions in law or equity, in which the city may be a party, or in which the city may be interested, where the rights of its officers or the police interests of the city, in any criminal proceeding in the police court in Newburyport, may be involved; and in all matters of a professional nature, relating to advice or otherwise, to do everything which may be properly required of him by either branch of the city council, or by any board of the city government, or by any committee thereof, or by any order or ordinance now or hereafter in force.

SECT. 4. It shall be the duty of said solicitor annually in the month of December, to make a report to the city council, of all cases in court involving the interests of the city, which are in his care, with such information relating thereto as it may be important for the city to have, and of all moneys that have been

received and disbursed by him in the execution of his office.

SECT. 5. The salary of the city solicitor, which shall be a full compensation for all his services, shall be fixed from time to time, by the city council; but where his attendance may be required out of the city he shall be allowed his reasonable travelling expenses, and in all actions where he is employed as counsel, he shall be allowed to retain the legal costs which the city may be entitled to receive.

[*Passed Dec. 30, 1845.*]

AN ORDINANCE RELATING TO THE USE OF ESSEX MERRIMAC AND OF NEWBURYPORT BRIDGES.

SECTION 1. No person shall ride or drive any horse or other draught animal, attached, or not attached, to any carriage, over the Essex Merrimac bridge, or the Newburyport bridge, at a speed faster than a walk.

SECT. 2. Any person who shall offend against the provisions of this ordinance, or by-law, shall forfeit and pay for each offence a fine of not more than one dollar; provided that complaint be instituted for such offence within three months from the time of its commission.

SECT. 3. This ordinance shall take effect upon its passage.

[*Passed July 10, 1876.*]

AN ORDINANCE ESTABLISHING THE OFFICE OF CITY AUDITOR.

SECTION 1. The two branches of the city council in joint convention, shall annually elect by ballot, in the

month of March and whenever a vacancy in the office may occur, a competent person who shall be styled the Auditor of Accounts.

SECT. 2. The auditor shall be qualified by oath or affirmation, and, unless sooner removed for good cause by the concurrent action of the city council, shall hold office until his successor is chosen and qualified in like manner. He shall receive such compensation for his services as the city council may from time to time determine.

SECT. 3. It shall be the duty of the auditor to examine and audit the accounts of the city treasurer, and see that they are correctly cast and properly vouched for. He shall have access to all records of financial legislation by the city council; to all contracts made between the city and any other party; and to all agreements involving the disbursement of funds from the public treasury; to the books and accounts of the overseers of the poor, and of the commissioners of any sinking fund now or hereafter established for the reduction of any city debt; to the accounts of any committee having authority to spend money; to the books and vouchers of the city treasurer, the collector of taxes, the city clerk, and any other officers of the city; and generally to each and every source of information in regard to the financial affairs of the city, whether herein set forth or not, to the end that he may have full and accurate information thereon.

SECT. 4. The auditor shall be directly responsible to the committee on finance for the faithful discharge of his duties, and shall report to them any irregularities or errors in the books or accounts of the city treasurer or other city officer, and when required shall

submit for their examination a written statement of the financial condition of the city treasury, and annually, in the month of December, prepare and lay before them a full and accurate report of the receipts and expenditures for the preceding financial year. A schedule of the property, real and personal, belonging to the city, and the value thereof, and a statement of the city debt, shall accompany said report. He shall also ascertain whether all moneys due the city have been collected and accounted for, and shall examine all notes and securities in the hands of the city treasurer belonging to the city and report the result of his investigations to the committee on finance.

SECT. 5. This ordinance shall take effect upon its passage.

[Passed March 1, 1880.]

AN ORDINANCE ESTABLISHING THE OFFICE OF CITY PHYSICIAN AND DEFINING HIS DUTIES.

SECTION 1. The mayor, with the approval of the board of aldermen, shall, upon the expiration of the term of office of the present city physician, and every third year thereafter during the month of January, appoint some suitable person to be city physician for the term of three years from the first Monday of February, then following; and the person so appointed shall hold office for the term aforesaid and until his successor is duly appointed in his stead, provided, however, that he may be at any time removed for cause by the mayor, with the approval of the board of aldermen, and in case of any vacancy arising from

any cause in the office of city physician a new appointment, in the manner of the original appointment may be made to fill the same for the remainder of the unexpired term, and a nomination therefor shall be made by the mayor within thirty days after the occurrence of such vacancy or the rejection of any previous nomination.

SECT. 2. The city physician shall be, ex-officio, a member of the board of health. It shall be his duty, in addition to the duties devolving upon him as a member of said board, to attend upon all patients under the care of the overseers of the poor, and report annually, in the month of January, to the city council a list of the deaths of such patients, and, so far as he may be able to collate the same from the records in the office of the city clerk, a list of the deaths of all persons occurring in the city during the year ending with the last day of December then next previous, stating the name, age, sex, date of decease, residence, and disease causing death, as far as he may be able to ascertain the same. He shall give to the mayor or either branch of the city council such professional advice and counsel as they may require when any infectious or contagious disease prevails within the limits of the city. He shall vaccinate all scholars of the public schools who may be sent to him for that purpose by the order of the school committee, and all such paupers as the board of overseers of the poor may require to be so treated. He shall give such medical assistance as may be needed to the prisoners at the police station, and shall deliver to his successor all the papers, records, and memoranda pertaining to the duties of his office.

SECT. 3. He shall visit all vessels arriving within the harbor of Newburyport that he may have reason to suppose are infected with small pox, plague, malignant fever, or other infectious or contagious disease. He shall direct the pilots where and in what particular place such vessels shall be anchored, and in what manner they shall be cleansed if necessary, and what articles from them shall be landed, washed, buried, or destroyed, and what articles of cargo may be unladen. He shall provide attendance for the sick on board such vessel, and supply them with such medicine as their circumstances may require; attendance and supplies being provided at the expense of the patient if able to pay for them, otherwise at the expense of the city. He shall report to the board of health the state and condition of the vessels at quarantine, and recommend from time to time such additional regulations and restrictions as he may deem expedient. He shall perform such other professional service for the benefit of the city as may be required of him by the board of health or the overseers of the poor, and shall receive such compensation for the same as the city council may from time to time determine.

SECT. 4. This ordinance shall take effect on and after the first Monday of January next, and all ordinances or parts of ordinances inconsistent herewith are hereby repealed.

[Passed June 14, 1880.]

AN ORDINANCE TO AMEND AN ORDINANCE CONCERNING THE REMOVAL
OF SNOW FROM THE SIDEWALKS OF THE CITY.

City councils may by ordinance provide for the removal of snow and ice from sidewalks in such portions of their city as they deem expedient, which ordinance shall determine the time and manner of removal, and shall affix penalties not exceeding fifty dollars to any violation of its provisions by any owner or tenant of the estate abutting upon the sidewalk from which the snow or ice are required to be removed. [*General Statutes, Chap. 45, Sect. 9.*]

SECTION 1. The tenant, and in case there is no tenant the owner, of any building or occupied lot of land, including all corporations, bordering on any of the streets or squares within the limits bounded by and including both sides of Ashland street, Marlborough street, Merrimac street, Market square, Water street, and the easterly side of High street, shall within twenty-four hours after the ceasing to fall of any snow, cause the same to be removed from the sidewalks in front of said buildings and land. Such tenant or owners, whenever any ice shall have been formed upon said sidewalks, shall also cause them to be made safe and convenient by removing the ice therefrom or by covering the same with sand, ashes, or some other suitable substance.

SECT. 2. If any person shall violate any of the provisions of this ordinance he shall forfeit for such offence a sum not exceeding twenty dollars.

SECT. 3. All ordinances concerning the removal of snow from the sidewalks of the city, and all ordinances in addition thereto heretofore passed, are hereby repealed, provided that such repeal shall not in any manner affect any rights which may have been ac-

quired by the city or any party under said ordinances or any of them, or in any manner relieve any person or persons from any liability which may have arisen by any omission to perform the acts required by said ordinance or any of them.

[*Passed* September 6, 1880.]

AN ORDINANCE RELATING TO THE COMPENSATION OF MEMBERS OF THE
FIRE DEPARTMENT.

SECTION 1. Each steam fire engine company shall be allowed and paid each year a sum not exceeding two hundred and twenty-five dollars; provided, however, that a pro-rata deduction shall be made from the pay of said companies when the number of members is reduced to less than fifteen. Each hand engine company shall be allowed and paid, each year, a sum not exceeding six hundred and seventy-five dollars, with a pro-rata deduction, as above provided, when the number of members is less than forty-five. Each hook and ladder company shall be allowed and paid, each year, a sum not exceeding three hundred and sixty-dollars, with a pro-rata deduction, as above provided, when the number of members is less than twenty. Each hose company, not attached to an engine, shall be allowed and paid, each year, a sum not exceeding ninety dollars, with a pro-rata deduction when the number of members is less than five. One-half of said sum or sums to be paid said companies in the month of April and one-half in the month of October of each year.

SECT. 2. The engineer of a steam fire engine shall

be allowed and paid one hundred and seventy-five dollars each year; the assistant engineer of a steam fire engine shall be allowed and paid twenty-five dollars each year; the fireman of a steam fire engine shall be allowed and paid one hundred dollars each year; the foreman of each fire company shall be allowed and paid ten dollars each year; the leading hosemen of each fire engine company shall be allowed and paid three dollars each year; the clerk of each fire engine company shall be allowed and paid ten dollars each year; the steward of each fire engine company shall be allowed and paid thirty-five dollars each year; in addition to their respective proportion of the amount to be received by the companies to which they may respectively belong, in semi-annual payments, one-half in the month of April and one-half in the month of October.

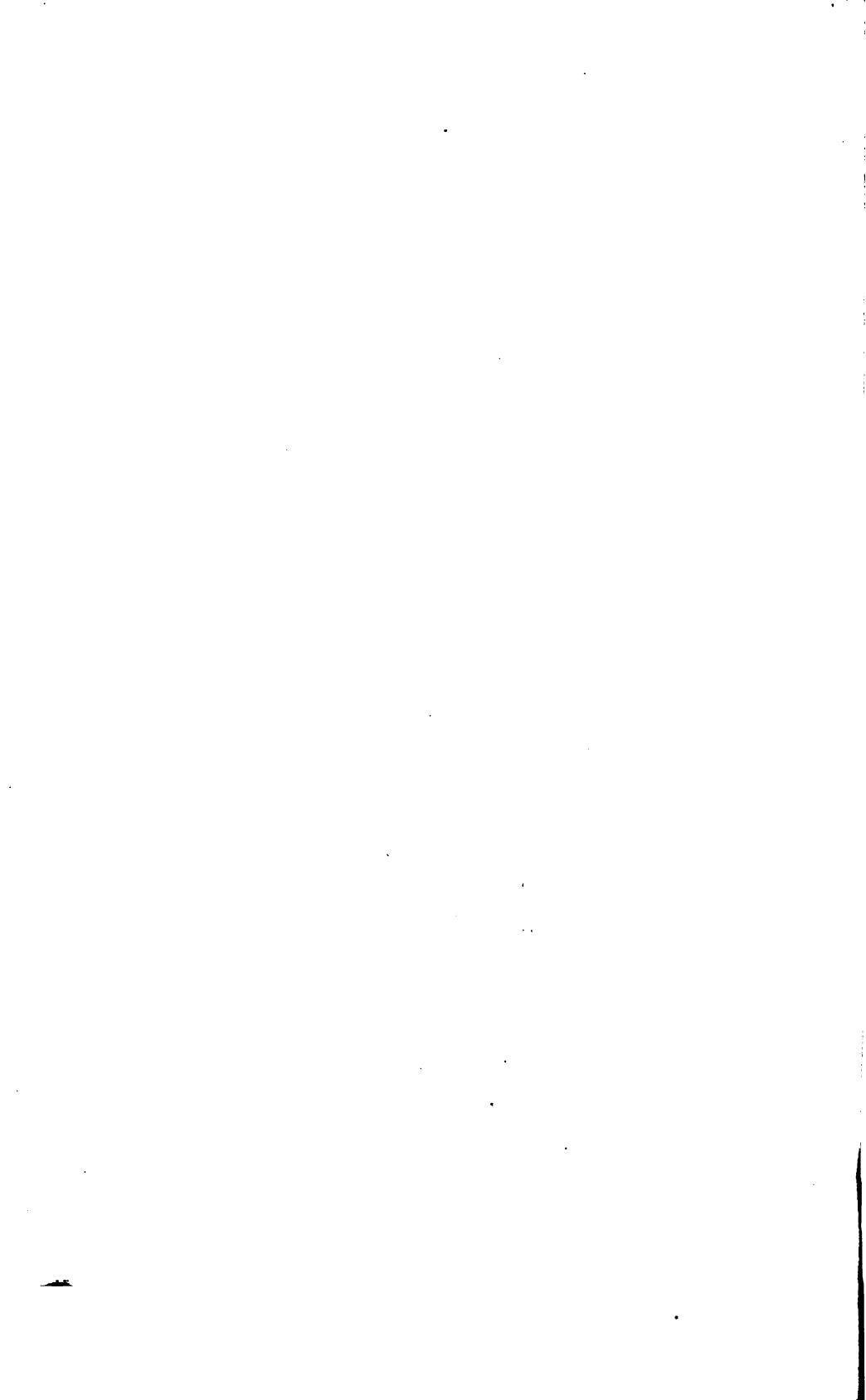
SECT. 3. The chief engineer shall be allowed and paid in full for his services two hundred dollars each year, and each assistant engineer twenty-five dollars each year, and the clerk of the board of engineers ten dollars each year, in semi-annual payments, one-half in the month of April and one-half in the month of October.

SECT. 4. The compensation established by the first section of this ordinance shall be paid to such persons respectively as shall be duly authorized to receive the same by vote of the majorities of the members of the companies, certified by their respective clerks or foreman.

SECT. 5. This ordinance shall take effect upon its passage, and all ordinances establishing or relating to the compensation of members of the fire department,

or concerning the pay of the fire department, heretofore passed, are hereby repealed, provided that such repeal shall not in any manner affect any rights which may have been acquired by any party under said ordinance, or any of them, or any appointments of officers and members of the fire department made under and by virtue of said ordinance, or any of them.

[*Passed* September 6, 1880.]



REGULATIONS

OF THE

BOARD OF HEALTH.



REGULATIONS OF THE BOARD OF HEALTH.

The Board shall make such regulations as it judges necessary for the public health and safety. * * * Whoever violates any such regulations shall forfeit a sum not exceeding one hundred dollars. [*General Statutes, Chap. 26, Sect. 5.*]

PREVENTION OF DISEASE.—PRIVIES, DRAINS, &c.

RULE 1. No privy or water closet, not having a water-tight vault, or such vault with a water-tight drain to carry the contents to a proper reservoir, shall be established within two rods of any well, spring or other source of water used for culinary purposes; and such reservoir shall be at least two rods from any such water source; provided, however, that earth privies or closets, where dry earth or ashes is daily added to the deposit vaults, in sufficient quantity to absorb all moisture, and the entire contents are removed weekly, may be so established.

RULE 2. No ashes, bricks, stones, garbage or other refuse shall be thrown into any vault or cess-pool, and

the utmost vigor of the board will be given to the enforcement of this rule.

RULE 3. Within the limits bounded by Ashland street on the northwest, by Merrimac river on the northeast, by Marlborough street on the southeast, and by High street on the southwest, including the premises on both sides of said streets, (which area shall constitute health limits), the night-soil shall be removed only by the use of the Odorless Excavating Apparatus, and may be done at any hour of the day or night.

RULE 4. No night-soil shall be removed from any vault outside of the health limits of the city, from the first day of April to the first day of November, without the permission of the board, and then only between the hours of ten o'clock p. m. and sunrise.

RULE 5. No ashes, house offal, dead animals, or refuse of any kind shall be thrown upon the street by any resident; and no butcher, fish monger, or vendor of merchandise, shall leave any refuse on the streets of the city.

RULE 6. No animals affected with an infectious or contagious disease shall be brought within the limits of the city. No diseased animal, or its flesh, shall be sold or offered for sale; and no decayed, diseased or unfit meat, fish, vegetables, fruit or other articles of food shall be sold or offered for sale.

RULE 7. No person shall sell, or offer for sale, adulterated milk, or milk produced by animals improperly fed; and whoever is supplied with milk, which there is good reason to believe is adulterated, or is so produced, shall at once submit the same, with the name of the seller, to the inspector of milk.

RULE 8. No slaughter-house abattoir shall be established or used as such within the limits specified in rule Fourth, and none elsewhere within the limits of the city, unless kept free from all obnoxious smells and all offal be removed daily, and notice be given to the board of its establishment.

RULE 9. No manufacturing or other establishment, giving rise to obnoxious or injurious odors, shall be established, except in such locations as this board shall assign; and all existing manufactories, stables, etc., shall use all means available to render themselves inodorous and non-objectionable.

RULE 10. All putrid or decaying animal or vegetable matter must be removed from all cellars and out-buildings, on or before the first day of June in each year, and if not buried must be deposited at least five rods from any highway.

RULE 11. No fish, slaughter-house offal, or other decaying animal matter, shall be left upon land for purposes of fertilization, without being ploughed in or otherwise rendered inoffensive.

VACCINATION.

RULE 12. Every child must be vaccinated before two years of age. The board earnestly recommend that all children shall be vaccinated before *six months* of age, and that all persons be re-vaccinated as often as once in five years.

RULE 13. All persons above two years of age who have never been vaccinated must be vaccinated immediately.

RULE 14. All incorporated manufacturing compa-

nies in this city shall cause each new employe to be vaccinated on entrance, unless proof is furnished of successful vaccination within five years.

RULE 15. The provisions of the fourteenth rule shall also apply to the keeper of the almshouse and jail in reference to each new permanent occupant.

RULE 16. No person, teacher or scholar, shall become a member of any public school till vaccinated, unless furnishing to the school committee the certificate of a regular physician of this city that he or she has been successfully vaccinated within five years.

RULE 17. The school committee are required to demand such certificates before granting permits to scholars or appointments to teachers.

RESTRICTION OF DISEASE.

RULE 18. Any householder in whose dwelling there shall break out a case of cholera, yellow fever, or small-pox, shall immediately notify the board of health of the same, and, until instructions are received from the board, shall not permit any clothing or other property that may have been exposed to infection, to be removed from the house, nor shall any occupant take up residence elsewhere without the consent of the board.

RULE 19. Any physician who may be called to a case of either of the diseases specified in the foregoing regulation, shall at once report such case to the board and receive their instructions in regard thereto; and whenever there shall come under the observation of any physician such number of cases of scarlet fever, measles, typhoid fever, dysentery, cerebro-spinal

meningitis, or diphtheria, as in his opinion to justify the belief that a considerable epidemic thereof exists he shall at once report the same to the board, with such suggestions in regard thereto as may seem to him expedient.

RULE 20. No person sick with any of the diseases specified in Rule 19, shall be removed at any time except by permission and under direction of the board of health.

RULE 21. Persons affected with either of the diseases specified in Rule 19, and all articles infected by the same, must be immediately separated from all persons liable to contract or communicate the disease, and none but nurses and physicians will be allowed access to persons sick with these diseases.

RULE 22. All vessels used by such patients must be emptied immediately after use, and cleansed with boiling water.

RULE 23. Persons must not leave the premises until they, together with their clothing, etc., shall have been disinfected, and permission given by the board of health.

RULE 24. All bedding and personal clothing affected by contagion or infection, which can without injury, must be washed in boiling water.

RULE 25. Infected feather-beds, pillows and hair mattresses must have their contents taken out and thoroughly fumigated, and their ticks washed in boiling water. Infected straw and excelsior mattresses must have their contents removed and buried, and their ticks washed in boiling water. Infected blankets, sheets and pillow-cases, and all articles in contact with or used by the patients must be washed in boiling water.

RULE 26. Personal clothing and bedding, particularly comforters, which cannot be wet without injury, must be disinfected by baking or fumigation; but no article must be burned without the direction of the board of health, and all disinfection and fumigation not specified in Rules 24, 25 and 26, must be done by or under the direction of the board of health.

RULE 27. No person or article liable to propagate a dangerous disease shall be brought within the limits of the city without the special consent and direction of the board; and whenever it shall appear to any person that such person or article has been brought into the city, immediate notice thereof shall be given to the board, and, if such person or article remains within the city, the location thereof.

BURIAL GROUNDS AND INTERMENTS.

RULE 28. During the month of February, or within sixty days thereafter, the board of health shall appoint, for the period of one year from the first day of March in the year in which they shall be appointed, such a number of funeral undertakers as the said board shall deem it expedient, who shall be responsible for the decent, orderly and faithful management of the funerals undertaken by them, and a strict compliance with the rules and regulations of the board of health in this behalf. Said undertakers shall always be removable by the board of health, and each of them shall, before entering upon the duties of his office, give a bond in a sum not less than five hundred dollars, with sufficient sureties, to be approved by the board of health, for the faithful per-

formance of the duties thereof and a strict compliance with the rules and regulations of the said board concerning burial grounds and interments within their limits. No person not appointed and not having given bonds as aforesaid shall undertake the management of any funeral.

RULE 29. No person shall bury or inter, or cause to be buried or interred, any corpse at any other time of the day than between sun rising and sun setting, except when otherwise permitted by the board of health or the clerk of the board. The corpse of every person of ten years of age or upwards shall be conveyed to the grave or tomb in a funeral car to be drawn by not more than two horses.

RULE 30. No person shall carry or cause to be carried in a public carriage the corpse of any person dying from a contagious or infectious disease.

RULE 31. No grave shall be opened or dug in any of the burying grounds of the city unless by permission of the board of health or of its clerk.

RULE 32. No conductor on any railroad, no master of any steamboat or other vessel, no hack driver or other person, shall remove or cause to be removed from the city the corpse of any person, unless by written license from the board of health or of its clerk.

RULE 33. No person shall remove the corpse of any person or the remains of any such corpse from any of the graves or tombs in this city, or shall disturb any corpse in any grave or tomb therein without the written license of the board of health or of its clerk.

RULE 34. No grave or tomb shall be opened from the first day of June to the first day of October, ex-

cept for the purpose of interring the dead, without the written license of the board of health or of its clerk.

RULE 35. The clerk of the board of health shall have authority to grant or withhold permission or license touching the matters mentioned in the 31st, 32d, 33d and 34th of the foregoing rules and regulations of the board of health, subject always to the direction authority and control of the board of health.

RULE 36. During the month of February, or within sixty days thereafter, the board of health shall appoint a superintendent of burial grounds, who shall have the care and custody of all the burying grounds in the city, except those otherwise regulated by law, and it shall be his duty to keep the same in good order and condition, secured from trespassers, and to prevent any and all nuisances therein; to point out the place, depth, width, and range of all graves to be dug in the several burying grounds under the control of the city, and to declare the limits in such grounds within which no grave shall be dug, which in his judgment would be dangerous to the public health. He shall before entering upon the duties of his office, give a bond in a sum not less than five hundred dollars with sufficient sureties to be approved by the board of health, for the faithful performance of the duties of his office.

RULE 37. No person shall bury or inter, or cause to be buried or interred, any corpse within the city limits, without first having obtained a license so to do from the board of health or its clerk, or in violation of any direction or order of the superintendent of burial grounds given in accordance with the next preceding rule and regulation.

RULE 38. No person shall inter or cause to be interred the corpse of any person in a grave which shall be less than three feet deep from the surface of the ground surrounding the grave to the top of the coffin.

RULE 39. The superintendent of burial grounds shall have authority in all matters relating thereto contained in the 36th regulation hereof, subject always to the direction, authority, and control of the board of health.

RULE 40. Any place of deposit for house, shop, or other rubbish or refuse matter; and any drain, privy, or vault in any part of the city, which shall appear to this board to be unfit, insufficient, or not properly situated, constructed or cleansed, and any cellar or vacant ground, and any hog pen or deposit of manure in the compact part of the city, may, in the discretion of the board be declared and deemed a public nuisance, and as such be held subject to all the provisions concerning the removal or abatement of the same provided by the laws of the commonwealth.

RULE 41. No vault or privy shall hereafter be constructed so that the inside thereof shall be less than three feet distant from the land of an adjoining proprietor without his consent, nor less than six feet distant from any public street or way; and if constructed at a less distance in either case, the same shall be deemed a public nuisance and treated as such.

RULE 42. No person shall cast any dead animal, fish entrails, decayed vegetables, house or other rubbish, or any other foul or offensive matter, into any pond within the city, or into any dock or landing

place within the city, or any of the waters of the river or sea adjacent thereto, except at a point below low water mark, or at such place or places above the same as may be designated by the board of health.

RULE 43. After June 15, 1880, no swine shall be kept within the limits bounded by Ashland street on the north-west, by Merrimac river on the north-east, by Marlborough street on the south-east, and by High and Vernon streets on the south-west, including the premises on both sides of said streets. A written complaint made to the board of health of a nuisance arising from the keeping of swine within said limits will receive the immediate attention of the board.

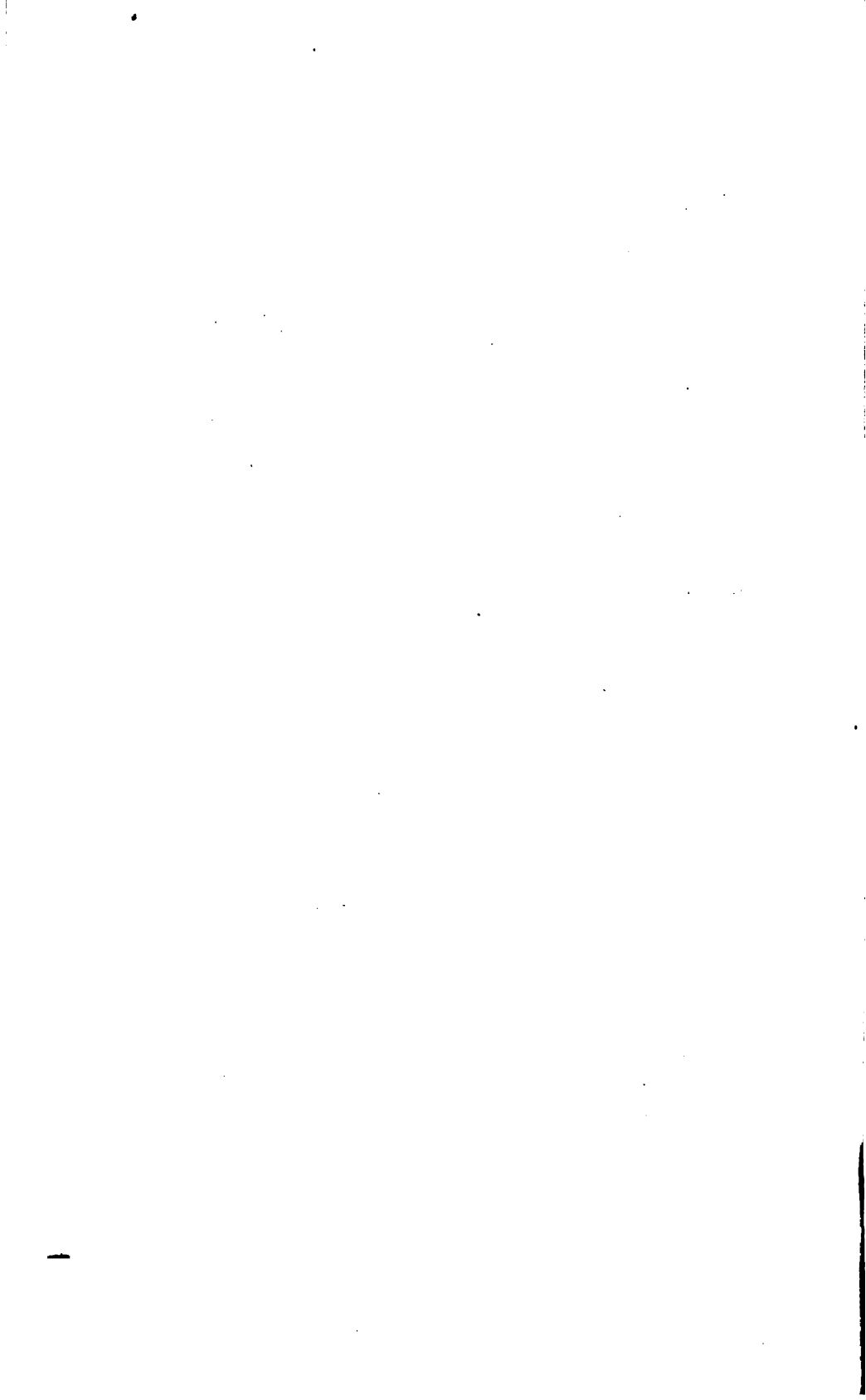
REGULATIONS

ADOPTED BY THE

BOARD OF ALDERMEN

FOR THE GOVERNMENT OF THE

FIRE DEPARTMENT.



RULES AND REGULATIONS.

RULE 1. The fire department shall consist of a chief engineer, six assistant engineers, and as many engine-men, hosemen, and hook and ladder men, to be divided by the mayor and aldermen into companies, as the number of engines and other fire apparatus belonging to the city, shall from time to time require. They shall hold their places for one year, unless sooner removed by the mayor and aldermen, and shall receive such compensation as the city council may determine.

RULE 2. The mayor and aldermen may, at any time, remove from office, the chief engineer, or any of the assistant engineers, and may discharge at any time, any or all of the officers, or members of either of the companies, and fill, at any time, any vacancies that may occur in the department.

RULE 3. Each engineer shall, immediately after his appointment, receive a certificate in the following words, viz:

THIS CERTIFIES, That..... has been appointed

.....engineer of the fire department of the city of Newburyport.

Given under my hand this day of

..... MAYOR.

..... CITY CLERK.

The respective rank of the assistant engineers shall be determined by the mayor and aldermen.

RULE 4. The engineers shall, on receiving certificates of their appointment, meet and organize themselves into a board of engineers, a majority of whom shall constitute a quorum, and in the absence of the chief engineer, the next in rank shall preside. They may make such rules and regulations, for their own government, subject, at all times, to the superior and controlling authority of the mayor and aldermen, as they may deem expedient.

RULE 5. The board of engineers shall have the care of the engines, hose, hook-and-ladder carriages, reservoirs, and all the apparatus, furniture and personal property of every kind, belonging to the fire department, and shall be responsible for the discipline and good conduct of all the officers and men of the several companies, and shall have command over all persons at fires; and to this end, they may establish such rules and regulations for the discipline of the department, and for the conduct of all persons at fires, as they may think proper; the same not being inconsistent with the laws of the state, and subject, in all cases, to the authority of the mayor and aldermen.

RULE 6. The chief engineer shall have the sole command at fires, shall direct such measures respecting the conduct of the engineers, and officers

and members of the fire department, and all persons who may be present, as, in his judgment, may be necessary to promote the extinguishment of the fire, to protect property, to preserve order, and to secure the observance of all the laws and regulations respecting fires; in his absence, the next engineer in command shall have the power and perform the duties of the chief engineer. The chief engineer shall keep a fair and exact roll of the members of the different companies, and shall, when requested so to do, by the city council, or the mayor and aldermen, or the standing committee on the fire department, examine and report upon the condition of the different companies, and of the engine houses, reservoirs, engines and fire apparatus, and property of any kind belonging to the fire department; and it shall be his duty, annually, in the month of December, to make a full report to the city council, in detail, of the condition of his department, which report shall contain an inventory of all the property belonging to the fire department, and a list of all the members of the different companies, giving the name, age, occupation and place of residence of each member, and an account of the fires and the supposed causes thereof, and the alarms of fire, which have occurred during the year within the limits of the city, and the nature and value of the property destroyed, the amount of insurance, if any, with the names of the owners, when they can be ascertained.

RULE 7. The board of engineers shall have no authority to contract bills, but it shall be their duty to see that all the engine houses, engines, reservoirs, hose and hook-and-ladder carriages, and all the fire apparatus, and property of any kind belonging to the

fire department, is in good condition; and whenever any engine, hose, or hook-and-ladder carriage, or any of the fire apparatus, or other personal property of the fire department, shall require alterations or repairs, they shall report the same immediately to the committee on fire department, who shall cause all necessary repairs to be made, subject, in all cases, to the previous sanction of the city council when the amount to be expended shall exceed one hundred dollars.

RULE 8. It shall be the duty of the board of engineers, whenever a fire shall occur within the limits of the city, to repair immediately thereto, and to carry with them some suitable badge of office, to take proper measures in relation to the use and disposition of the fire apparatus of the city, for the prompt and effectual extinguishment of the fire, to suppress all disorder, and to command the assistance of all persons, whether members of the department or not, in the removal and protection of goods, or the pulling down of any buildings, or the execution of any other measures, which in their judgment, the urgency of the case may require.

RULE 9. The chief engineer shall report to the mayor and aldermen the name of every person, not a member of the fire department, who shall refuse or neglect to obey any order of any engineer, given at any fire, and authorized by the laws of the State, and the regulations of the fire department.

RULE 10. It shall be the duty of the chief and other engineers to search for and examine into all shops and other places where shavings and other combustible materials may be collected, and whenever in

the opinion of two of them, the same may be dangerous to the security of the city, to direct the owner or occupant of such shop or place to remove the same; and, in the event that such owner or occupant shall neglect or refuse so to do, to cause the same to be removed at the expense of such owner or occupant, who shall be liable to a penalty not exceeding twenty dollars for such neglect or refusal; and any person who shall resist the engineers by opposing any force to the removal of the combustible materials after having refused or neglected to comply with their order, shall be liable also to a penalty not exceeding twenty dollars for each offence. It shall also be the duty of the engineers to cause prosecutions to be instituted for all violations of the laws or regulations for the prevention or suppression of fires within the limits of the city.

RULE 11. The chief engineer, or in his absence the engineer in command, may summarily suspend any member of the fire department for insubordination, disorderly conduct, or neglect of duty, and report his or their names to the mayor and board of aldermen, who may, upon such report give the party a hearing, and if the charges are sustained by the board of engineers, or other competent persons, then the parties accused may be discharged from the fire department by the mayor and board of aldermen.

RULE 12. The number of men attached to each company belonging to the fire department shall be as follows, viz: — For each hand engine, forty-five members; for each steam fire engine, fifteen members; for each hook-and-ladder company, twenty members; for each hose carriage not attached to an

engine, five members; but in no case shall any compensation be allowed to any member, unless he shall be present and answer to the roll-call at least one-half the number of times the roll is called.

RULE 13. Each hand engine company shall have a foreman, a first and second assistant foreman, a clerk and a steward, who, with the officers of all the companies, shall be chosen annually by the members, subject to the approval of the board of engineers. If, upon rejection by the board of engineers, a suitable person is not chosen and returned by the company, in place of the officer rejected, within one week from notice to the company of such rejection, the office in question shall be filled by the board of engineers.

RULE 14. Each steam fire engine company shall have an engineer, an assistant engineer, a fireman and twelve hosemen, one of whom shall be foreman, one assistant foreman, and one shall be clerk.

RULE 15. The engineer of a steam engine shall, under the direction of the board of engineers, have the sole care of the engine. He shall have charge of the working of the engine when on duty, and shall be personally responsible for the care and good order of the engine, and see at all times that it is in suitable condition for immediate use. He shall run the engine at fires, or at other times when required, and shall not allow it to be worked with more than one hundred pounds pressure of steam, nor with more than one hundred and thirty pounds of water pressure on the hose, unless with the express permission of the chief engineer, or, in his absence, of the engineer in command. The assistant engineer and fireman shall be

under the control of and responsible to the engineer. In the absence of the engineer the assistant engineer shall perform the duties of the engineer.

RULE 16. The fireman shall be under the direction of the engineer of the engine, and shall perform all the duties that he may require of him, on the engine and in the house, including cleaning the house, the engine and other apparatus belonging to the company, and the snow and ice from the sidewalk immediately in front of the house. The fireman shall also perform the duties of steward.

RULE 17. The foreman of each steam engine company shall, at fires, direct the placing of the engine at a suitable place to obtain a supply of water, and have the charge and direction of the hose and hosemen.

The foremen of hand engine companies and of hose and hook and ladder companies, shall have the charge of the apparatus belonging to their respective companies, and shall see that the same is kept clean and neat, and in order for immediate use. It shall be the duty of all foremen to see that the buildings entrusted to their respective care are kept clean and in order; to preserve order and discipline in their respective companies, and to require and enforce a strict compliance with the State laws, the city ordinances, the rules and regulations of the department, and the special orders of the mayor and aldermen, and of the chief engineer and board of engineers.

RULE 18. It shall be the duty of the clerks to keep a full and accurate record of the official transactions of their respective companies, and of the names and ages and places of residence of all their members, and of the time of admission and discharge of each

member. They shall also semi-yearly, and as often as requested, make a report to the chief engineer, or the board of engineers, of the condition of their respective companies, which report shall contain a roll of the members of said companies, with a complete record of all the absentees from roll-call, with their ages, occupations and places of residence, and an inventory of all the property in the custody of said companies, belonging to the city. The records of the different companies shall be subject to the order and inspection of the mayor and aldermen and the board of engineers.

RULE 19. It shall be the duty of the stewards to keep their engine houses, hose and other apparatus in their charge, clean, and in order for their immediate use, and to remove the snow and ice from the area immediately in front of the houses where the apparatus of their respective companies is deposited.

RULE 20. It shall be the duty of the officers and members of the several engines, hose and hook and ladder companies, whenever a fire shall break out in the city, forthwith to repair to their respective engines and other apparatus, and convey the same, as soon as may be, to the fire, and under the direction of the engineer in command, to exert themselves in the most orderly manner possible, in working the engines and other apparatus, and in the performance of any other duty they may be called upon to perform; and upon the order of the engineer in command, or in the absence of any engineer, upon the order of their respective foremen, to return their engine and other apparatus in a quiet and orderly manner to their respective places of deposit. When proceeding to or returning from a fire the companies are directed to

keep on the right hand side of the street; and when returning to their respective engine houses after a fire they are specially instructed to move at a pace no faster than a walk. Drivers are strictly enjoined to use the utmost caution consistent with promptness. Racing between companies is strictly forbidden under any circumstances; any collision or casualty occurring to horses or apparatus will be considered a sufficient cause for the suspension of the driver in charge at the time. The roll shall be called upon the return of a company from a fire, and also at the regular meetings of the companies, which shall be held once a month.

RULE 21. No company shall leave the city, in case of a fire in a neighboring town, except by the consent of the chief engineer or, in his absence, of the next in command.

RULE 22. No company, with or without their engine and apparatus, shall leave the city on an excursion without the consent of the mayor and aldermen, and that consent shall state the time allowed for such absence and shall be limited to one company and one engine at one time.

RULE 23. No building shall be destroyed or injured to prevent the spread of a fire except by the joint order of three of the engineers, of whom the chief engineer, or in his absence the engineer in command, shall be one.

RULE 24. It shall be the duty of the city marshal and the police officers of the city, on an alarm of fire, to repair to the place where the fire may be, and there use their best skill and services for the promotion of good order, and the protection of property from theft

and mischievous trespassers, for which service they shall receive such compensation as shall in each case be ordained by the mayor and aldermen. On alarm of fire in the night, the watchmen shall give notice thereof, by the cry of "fire," the ringing of bells, and the prompt announcement of the street or ward in which the fire is supposed to be.

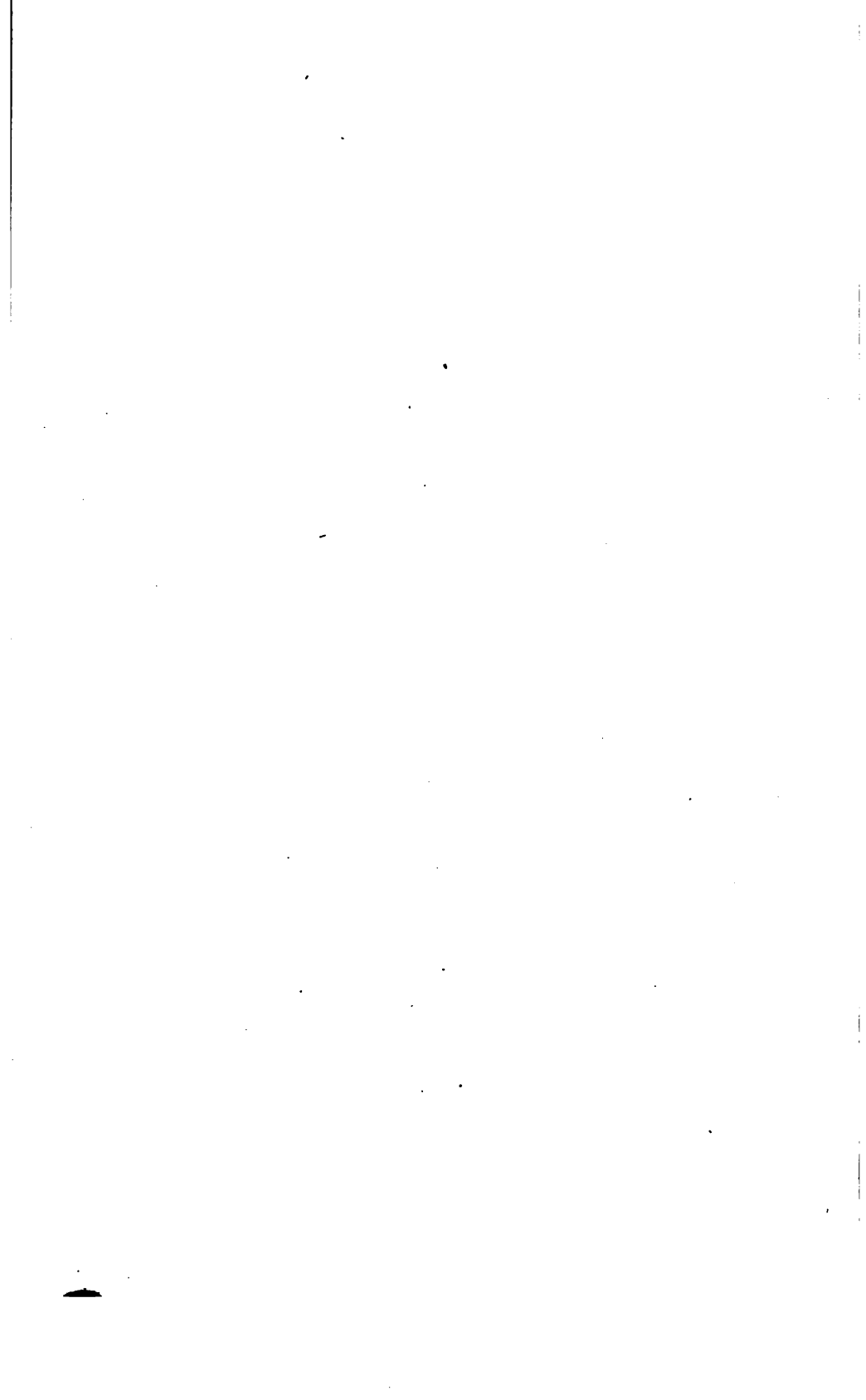
RULE 25. The members of the several companies shall not assemble in the house entrusted to their care on the Sabbath, except for the purpose of taking the engine or apparatus, on an alarm of fire, and of returning the same to the house, and taking the necessary care of said apparatus after its return. And any member violating this regulation shall be liable to be discharged by the mayor and aldermen. This regulation shall not apply to those officers and members of the different companies, whose duty may require them to be at their respective houses on the Sabbath.

RULE 26. No person under eighteen years of age shall be an officer or member of the fire department. And no company shall have the power to appoint or discharge any member.

RULE 27. The members of the several companies may make rules and regulations for their internal government, subject at all times to the inspection and approval of the board of engineers and the mayor and aldermen.

RULE 28. All rules and regulations of the fire department, now existing and inconsistent herewith, are hereby repealed.

RULES AND ORDERS
OF THE
CITY COUNCIL,
BOARD OF ALDERMEN,
AND THE
COMMON COUNCIL.



RULES AND ORDERS OF THE CITY COUNCIL.

RULE 1. At the commencement of the municipal year, the following joint standing committees shall be appointed, unless otherwise ordered by the respective boards, viz:

A committee on Finance, to consist of the mayor, one alderman, and five members of the common council.

A committee on Accounts, to consist of two aldermen, and three members of the common council.

A committee on Public Property, to consist of two aldermen and three members of the common council.

A committee on Printing, to consist of one alderman and two members of the common council.

A committee on Public Instruction, to consist of the mayor and two aldermen, and the president and four members of the common council.

A committee on Almshouse and Poor, to consist of two aldermen and five members of the common council.

A committee on Fire Department, to consist of three aldermen and four members of the common council.

A committee on Bridges and Culverts, to consist of

two aldermen and three members of the common council.

A committee on Sawyer Fund, to consist of one alderman and two members of the common council.

A committee on Brown Fund, to consist of one alderman and two members of the common council.

A committee on Atwood Fund, to consist of the mayor, president of the common council and city treasurer.

A committee on Ordinances, to consist of the mayor and two members of the common council.

A committee on Claims, to consist of two aldermen and three members of the common council.

A committee on Fuel, to consist of two aldermen and three members of the common council.

A committee on Lighting Streets, to consist of two aldermen and three members of the common council.

A committee on Highways, to consist of the mayor, the board of aldermen, and six members of the common council, one from each ward.

On all joint committees wherein it is provided that the mayor shall be a member, in case of the non-election, decease, inability or absence of that officer, the chairman of the board of aldermen shall act *ex officio*.

The member of the board of aldermen first named on every joint committee of which the mayor is not a member, shall be its chairman; and in case of his resignation or inability, the other members of the same board in the order in which they are named; and after them the member of the common council first in order shall call the meetings of the committee, and act as chairman.

RULE 2. In every case of disagreement between the two branches of the city council, if either board shall request a conference and appoint a committee of conference, and the other board shall also appoint a committee to confer, such committee shall at a convenient hour to be agreed upon by their chairmen, meet and state to each other verbally or in writing, as either shall choose, the views of their respective boards, for and against the matter in controversy, confer freely thereon, and report in writing to the board asking the conference.

RULE 3. When either board shall not concur in any action of the other, notice of such non-concurrence shall be given by written message.

RULE 4. Either board may propose to the other for its concurrence a time to which both boards shall adjourn; and neither shall adjourn without giving notice to the other board and receiving notice from said other board that it is also ready to adjourn.

RULE 5. In all votes, when either or both branches of the city council express anything by way of *command*, the form of expression shall be "ORDERED;" and whenever either or both branches express *opinions, principles, facts* or *purposes*, the form shall be "RESOLVED."

RULE 6. No committee shall act by separate consultation, and no report shall be received unless agreed to in committee actually assembled.

RULE 7. It shall be the duty of every joint committee to whom any subject may be specially referred, to report thereon within four weeks, or to ask for further time.

RULE 8. The reports of all committees agreed to

by a majority of the members, shall be made to the board in which the business referred originated; and all committees may report by ordinance, resolve, or otherwise.

RULE 9. All reports and other papers submitted to the city council shall be written in a fair hand; and no report of any kind shall be endorsed on the memorials or other papers referred to the committee of either branch; and the clerk shall make copies of any papers to be reported by committees at the request of the respective chairmen thereof.

RULE 10. No business shall be transacted by the city council in convention, except such as shall have been previously agreed upon, unless by unanimous consent.

RULE 11. After the annual appropriations shall have been passed, no subsequent expenditure shall be authorized for any object, unless provision for the same shall be made by a specific transfer from some of the appropriations contained in the annual resolutions, or by expressly creating therefor a city debt; but no such debt shall be created unless the resolution authorizing the same pass by the affirmative votes of two-thirds of the whole number of each branch of the city council, voting by yeas and nays.

RULE 12. Every joint resolution shall have as many readings in each board as the rules of each board require, after which the question shall be on passing the same to be enrolled; and when the same shall have been so passed it shall be sent to the other board for concurrence; and when such resolution shall have been passed by each board, the same shall be enrolled by the city clerk, and examined by the

committee of the common council on enrolled bills; and on being found correctly enrolled, without further reading or question shall be signed by the president of the common council and sent to the other board, where a like examination shall be made by the committee of that board on enrolled bills, and if found correctly enrolled the same shall be signed by the mayor.

RULE 13. Every ordinance shall have as many readings in each board as the rules of each board require, after which the question shall be on passing the same to be enrolled, and it shall be sent to the other board for concurrence; and when such ordinance shall have so passed to be enrolled in each board the same shall be enrolled by the city clerk and examined by the committee of the common council on enrolled bills, and on being found by said committee to be correctly enrolled, the same shall be reported to the council, when the question shall be on passing the same to be ordained; and when said ordinance shall have so passed to be ordained it shall be signed by the president of the common council and sent to the other board, where a like examination shall be made by the committee of that board on enrolled bills, and if found to be correctly enrolled the same shall be reported to the board, and the question shall be on passing the same to be ordained; and when the same shall have passed to be ordained it shall be signed by the mayor.

RULE 14. No enrolled ordinance or resolution shall be amended.

RULE 15. No chairman of any committee shall audit or approve any bill or account against the city for any supplies or service which shall not have been ordered or authorized by the committee.

RULE 16. Joint standing committees shall cause records to be kept of their proceedings in books provided by the city for that purpose.

RULE 17. No vote by which an order, resolve or ordinance has been passed in its final stage shall be reconsidered in either board after the same has been finally acted upon in the other board, unless the motion for reconsideration be made, or notice given, at the same meeting at which the vote to be reconsidered passed; and when any order, resolve or ordinance shall have been rejected, no other substantially the same shall be introduced by any committee or member during the municipal year, without the consent of two-thirds of the members present.

RULES AND REGULATIONS

IN RELATION TO TRUST FUNDS UNDER CONTROL OF THE CITY COUNCIL.

RULE 1. At the commencement of the municipal year, joint standing committees on the Sawyer Fund and on the Brown Fund shall be appointed; each committee to consist of one alderman and two members of the common council.

RULE 2. The committee on Sawyer Fund shall have charge of the bequest made to the city of Newburyport under the will of the late Mathias Plant Sawyer; see that the same is properly invested and cause the annual income to be paid over to the trustees of the

public library, reporting annually to the city council the condition of said fund.

RULE 3. The committee on Brown Fund shall see that the same is safely invested and cause the annual income thereof to be paid over to the city treasurer to be placed to the credit of the school department for the support of a grammar school in compliance with the will of the late Moses Brown.

RULE 4. The mayor, president of the common council and city treasurer shall constitute a standing committee to whom all matters relating to the Atwood and Dexter Funds shall be referred.

RULE 5. Annually in the month of December the committee on Atwood and Dexter Funds shall report to the city council the income derived from each of these funds during the previous twelve months, and also such information as they may be able to obtain in regard to the distribution of the same by the overseers of the poor.

RULES OF THE BOARD OF ALDERMEN.

RULE 1. The order of business shall be as follows:—

1. The journal of the previous meeting shall be read.

2. Petitions shall next be called for, and be disposed of by reference or otherwise; and also new business may be introduced by any member of the board.

3. Such nominations, appointments, and elections, as may be in order, shall be considered and disposed of.

4. The orders of the day shall be taken up: meaning by the orders of the day, the business remaining unfinished at the previous meeting, and such communications as may have been subsequently sent up from the common council.

RULE 2. Every ordinance shall pass through the following stages before it shall be considered as having received the final action of this board, viz: first reading, second reading, passage to be enrolled, pass-

age to be ordained; and every joint resolution shall have two several readings before the question shall be taken on its final passage.

RULE 3. An ordinance may be rejected at either stage of its progress; but shall not pass through all its stages in one day.

RULE 4. Standing committees shall be appointed as follows, viz:—

On Police.

On Elections.

On Bromfield Fund.

On Putnam and Atkinson Fund.

On Licenses.

On Enrolled Bills.

The first-named committee to consist of the mayor and two aldermen; each of the others of three aldermen.

RULE 5. All committees shall be appointed and announced by the mayor, unless the board shall determine otherwise.

RULE 6. The above rules and order of business shall be observed in all cases, unless suspended, by a vote of two-thirds of the members present, for specific purposes.

RULES AND REGULATIONS

IN RELATION TO TRUST FUNDS UNDER CONTROL OF MAYOR AND ALDERMEN.

RULE 1. No change shall be made in the investment of any trust funds under the control of the

mayor and aldermen unless the same shall be authorized by a vote of the board.

RULE 2. The city clerk shall be, *ex officio*, treasurer of the Follansbee fund, and shall have charge of the bonds or other securities in which the fund is invested, collect the interest when due, and with the proceeds thereof pay such bills as the mayor may approve.

RULE 3. All applications for aid from the Follansbee fund shall be referred to the alderman of the ward in which the applicant resides, whose duty it shall be to personally investigate the circumstances of the case, and if satisfied of the worthiness of the applicant he may issue a written order for a supply of fuel, which order shall be approved and countersigned by the mayor, and no aid shall be furnished except upon such written order.

RULE 4. The treasurer of the Follansbee fund shall annually, in December, present to the board of aldermen a report of the expenditures of this fund, together with a list of the beneficiaries.

RULE 5. The income on the annuity, policy No. 4865, for ten thousand dollars, held in trust by the Massachusetts Hospital Life Insurance Company, shall be collected annually by the city treasurer, and the amount so collected shall be placed to the credit of the committee on Bromfield fund, to be expended as the committee may direct, in accordance with the provisions of the will of the late John Bromfield.

RULE 6. The committee on Putnam fund shall annually in the month of June, and as often thereafter as occasion may require, examine the securities in the hands of the treasurer of the board of trustees of the

Putnam Free School, see that the funds are properly invested, and that the income has been applied in accordance with the provisions of the will of the donor. The result of their investigations shall be reported to the board of aldermen in writing.

RULE 7. The committee on Atkinson fund shall see that the provisions of chapter 347 of the Special Laws and Resolves of the General Court of Massachusetts for the year 1851 are complied with by the trustees of the Atkinson school fund, and shall also annually report to the board of aldermen the amount of said fund and a list of the securities in which it is invested.

RULES OF THE COMMON COUNCIL.

DUTIES OF THE PRESIDENT.

RULE 1. The president shall take the chair at the hour to which the council may have adjourned; shall call the members to order, and, on the appearance of a quorum, shall cause the minutes of the preceding meeting to be read, and proceed to business.

RULE 2. He shall preserve order and decorum; may speak to points of order in preference to other members, and shall decide all questions of order subject to an appeal to the council, on motion of any member regularly seconded, and no other business shall be in order till the question on the appeal shall have been decided.

RULE 3. He shall decide all votes; but if any member doubt the vote, the president without further debate shall require the members voting in the affirmative and the negative to rise and stand until they are counted, and shall then declare the result.

RULE 4. He shall rise to put a question or to address the council but may read sitting.

RULE 5. The president may only express his opinion on any subject under debate by leaving the chair and appointing a member to take it. But the presi-

dent may state facts and give his opinion on questions of order without leaving his place.

RULE 6. When the council shall decide to go into committee of the whole the president shall appoint the chairman.

RULE 7. On all questions the president shall take the sense of the council by yeas and nays when one-third of the members present shall so require, and in taking the yeas and nays the names of the members, except the president, shall be called in alphabetical order.

RULE 8. He shall propound all questions in the order in which they are moved, unless the subsequent motion be previous in its nature; except that in naming sums and fixing times, the largest sum and the longest time shall be put first.

RULE 9. When a question is under debate, the president shall receive no motion but to adjourn, to lay on the table, for the previous question, to postpone to a time certain, to commit, to amend, or to postpone indefinitely, which several motions shall have precedence in the order in which they are arranged.

RULE 10. He shall consider a motion to adjourn as always first in order; and that motion and the motions to lay on the table, to take from the table, and for the previous question shall be decided without vote.

RULE 11. He shall put the previous question in the following form: "Shall the main question be now put?" and all debate shall be suspended until the previous question shall be decided. The adoption of the previous question shall put an end to all debate and bring the council to a direct vote upon pending amendments, if any, in their regular order, and then upon the main question.

RULE 12. All incidental questions of order arising after a motion is made for the previous question shall be decided without debate, except on an appeal, and on such an appeal no member shall be allowed to speak more than once without leave of the council.

RULE 13. When two or more members happen to rise at once the president shall name the member who is first to speak.

RULE 14. All committees shall be appointed and announced by the president, unless otherwise provided for or specially directed by the council.

RULE 15. In all cases the president may vote.

RULE 16. The president may call any member to the chair, but such substitution shall not extend beyond an adjournment.

RULE 17. In the absence of the president, the senior member present shall call the council to order and preside until a president *pro tempore* shall be chosen by ballot. If no members shall receive a majority of the votes upon the first ballot, upon the second a plurality shall elect.

RIGHTS, DUTIES AND DECORUM OF MEMBERS.

RULE 18. When any member is about to speak in debate or deliver any matter to the council, he shall rise in his place and respectfully address the president; shall confine himself to the question under debate, avoid personality, and sit down when he has done speaking.

RULE 19. No member in debate shall mention another by name, but may describe him by some designation intelligible and respectful.

RULE 20. No member speaking shall be interrupt-

ed by another, but by rising to call to order or to correct a mistake.

RULE 21. When any member shall be guilty of a breach of either of the rules and orders of the council, he may, on motion, be required by the council to make satisfaction therefor, and in such a case he shall not be allowed to vote or speak, except by way of excuse, till he has done so.

RULE 22. No member shall speak more than twice to the same question without leave of the council, nor more than once until all other members choosing to speak shall have spoken.

RULE 23. A motion may be withdrawn at any time by the mover before a decision or amendment.

RULE 24. Every motion shall be reduced to writing if requested by the president or any member of the council.

RULE 25. Any member may require the division of a question when the sense will admit of it.

RULE 26. No motion or proposition of a subject different from that under consideration shall be admitted under color of amendment.

RULE 27. When a vote has passed, it shall be in order for any member who voted in the *majority* to move a reconsideration thereof, at the same or the succeeding meeting, but not afterwards; and when a motion for reconsideration is decided, that vote shall not be reconsidered.

RULE 28. At every regular meeting of the council the order of business shall be as follows:

1. Papers from the board of aldermen.
2. Unfinished business of preceding meeting.

3. Communications and reports from city officers, presentation of petitions, remonstrances and memorials.

4. Reports of committees.

5. Motions, orders or resolutions.

And the above order shall not be departed from but by the vote of a majority of the members of the council present.

RULE 29. No rule or order of the council shall be suspended unless three-fourths of the members present shall consent thereto; nor shall any rule or order be repealed or amended without notice being given therefor at the preceding meeting, nor unless a majority of the whole council shall concur therein.

RULE 30. Every member shall take notice of the day and the hour to which the council stands adjourned, and shall give his punctual attendance accordingly.

RULE 31. The reading of any paper, when objected to, shall be determined by a vote of the council.

RULE 32. Every seat which shall be drawn by any member at the beginning of the session, shall be his seat during the year unless he have leave of the president to change it.

RULE 33. No member shall be allowed to vote, or serve on any committee, on any question where his private right is concerned distinct from the public interest.

RULE 34. The members of the council shall not leave their places on adjournment until the president shall declare the council adjourned.

RULE 35. All salary officers shall be voted for by written ballot.

PETITIONS, MEMORIALS, &c.

RULE 36. All memorials and other papers addressed to the council, shall be presented by the president or by a member in his place, who shall explain the subject thereof, and they shall lie on the table or be taken up in the order in which they were presented, unless the council shall otherwise direct.

ORDINANCES, ORDERS AND RESOLUTIONS.

RULE 37. All ordinances, orders and resolutions shall have two several readings before they are finally passed; and no ordinance, order or resolution, imposing penalties or authorizing the expenditure of money, and no order or resolution authorizing a loan, shall have more than one reading on the same day; *provided*, however, that nothing herein contained shall prevent the passage of an order at any meeting of the council, to authorize the printing of any document relating to the affairs of the city.

POWERS AND DUTIES OF COMMITTEES, &c.

RULE 38. Standing committees shall be appointed on the following subjects:—

A committee on Elections and Returns.

A committee on Bills in the Second Reading.

A committee on Enrolled Bills.

And each of these committees shall consist of three members.

RULE 39. All bills which may pass to a second reading at this board shall be referred to the committee on bills in the second reading, and it shall be the duty of said committee carefully to examine such bills, to see that they are in technical form and that their pro-

visions are not repugnant to the laws and constitution of the commonwealth or to the charter and ordinances of the city, and make report of them to the council before the time assigned for their second reading.

RULE 40. All committees of the council shall consist of three members, unless otherwise ordered; and no report shall be received from any committee unless agreed to in committee actually assembled.

RULE 41. No committee shall sit during any meeting of the council without special leave.

DUTIES OF CLERK, &c.

RULE 42. The clerk shall keep minutes of the votes and proceedings of the council, enter thereon such orders and resolutions as are adopted, shall notice reports, petitions, memorials, and other papers which are presented; and shall enter all accepted reports of select committees of the council, at length in a separate journal, to be kept for that purpose, and provided with an index; shall draw up all messages to the mayor and aldermen and send them by the messenger; and shall attend the meetings of the committees of the council, and make their records when required.

PUBLIC LIBRARY.



TRUSTEES OF THE PUBLIC LIBRARY.

JOHN J. CURRIER, MAYOR.

ALBERT CHEEVER,	}	ALDERMEN.
JOHN WOODWELL,		
WILLIAM H. NOYES,		
ARTHUR C. RICHARDSON,		
J. OTIS WINKLEY,		
JOHN P. EVANS.		

DIRECTORS OF THE PUBLIC LIBRARY.

JOHN J. CURRIER, MAYOR,	ex officio.
WILLIAM A. DAVIS, PRESIDENT COMMON COUNCIL,	"
EDWARD S. MOSELEY, Trustee of Building Fund .	"
DANIEL T. FISKE, " " " "	"
SAMUEL J. SPALDING, " " " "	"
JOSEPH B. MORSS,	Term of office expires, 1881.
JOHN F. YOUNG,	" " " 1882.
ALBERT CURRIER,	" " " 1883.
HENRY M. CROSS,	" " " 1884.
OLIVER B. MERRILL,	" " " 1885.
EDWARD P. HURD,	" " " 1886.
JAMES PARTON,	" " " 1887.

TRUSTEES OF THE PEABODY FUND.

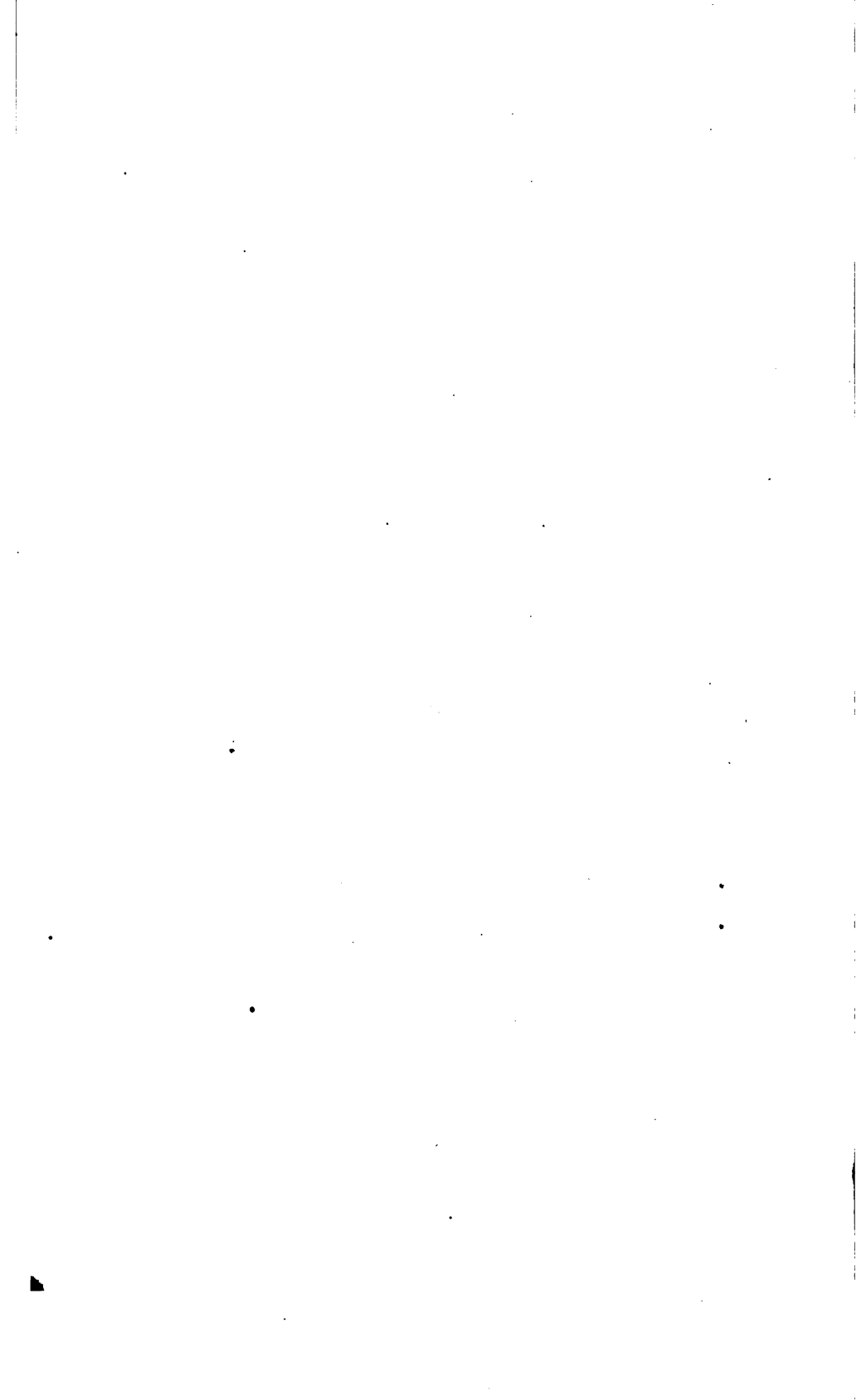
EDWARD S. MOSELEY,	WILLIAM H. SWASEY,
EBEN F. STONE,	DANIEL T. FISKE,
JOHN J. CURRIER.	

LIBRARIAN,

HIRAM A. TENNEY.

SUPERINTENDENT OF READING ROOM,

HANNAH E. LUNT.



THE PUBLIC LIBRARY.

The Newburyport public library was founded in September, A. D. 1854. by the Hon. JOSIAH LITTLE, who gave to the city the liberal sum of five thousand dollars for this object. Hon. CHARLES JACKSON and Col. SAMUEL SWETT, of Boston, added large donations in books and money. The terms of the donation were as follows:—

“We, the subscribers, agree to furnish the mayor and aldermen of the city of Newburyport, with the books, or sums of money, affixed to our names, to form a public library for the use of the inhabitants of said city, to be managed by said mayor and aldermen, and their successors in office, as trustees; and also for the use of the inhabitants of the towns of Newbury and West Newbury, equally with those of said city, provided said towns pay their proportion of the expenses of managing said library compared with those incurred by said city for that purpose; said proportion to be in the ratio of the respective appraisement of said city and towns in the state valuation; and also that said towns pay one per cent, jointly, per annum on the cost of the apartments or building employed for said library. The general regulations of said library to be adopted by the city government of Newburyport.”

The books bought with the original fund were selected by a committee appointed by the founders of the library. This committee consisted of Hon. Moses Davenport, Rev. Leonard Withington, Rev. Luther F.

Dimmick, Rev. Daniel T. Fiske, and Nathaniel Hills, Esq. Other liberal donations have also been made at various times, by former residents of Newburyport for the purchase of books, and a generous sum has been contributed to defray the cost of the library building, and also for the purpose of establishing a public reading room in connection therewith.

The late Matthias Plant Sawyer, of Boston, by the terms of his will, gave

“To the city of Newburyport the sum of five thousand dollars, in trust, to hold the same, and invest and reinvest the same in such public stocks as the government of said city for the time being may think best; and to pay over the income thereof, as often as once in each year, to the persons having the control and charge of the public library in said city, to be by them invested in the purchase of books.”

This sum was received by the municipal authorities in the year 1857, and, by vote of the city council, was invested in a promissory note of the city of Newburyport, the interest thereon being annually paid over to the directors of the public library.

The liberal gift of George Peabody, of London, to this institution was made in 1867, as will appear from the following communications in relation to the subject:

SALEM, February 20, 1867.

TO EDWARD S. MOSELEY, Esq., HON. CALEB CUSHING, DR. HENRY C. PERKINS, HON. EBEN F. STONE, and JOSHUA HALE, Esq.

Gentlemen:—Wishing to mark my memory of that portion of my youth which was passed in your town, and my grateful appreciation of kindness there shown to me, as well as of the pleasant relations which have existed since that time between many of your fellow citizens and myself, and finding on consultation and enquiry that the interests of the inhabitants of Newburyport may be well

promoted by increasing the scope and usefulness of your public library, which has already accomplished so much good, I take pleasure in giving to you and your successors the sum of fifteen thousand dollars, to be by you and them held in trust and kept permanently invested, and the income thereof used and applied, in your and their discretion, to the enlargement of the public library of the city of Newburyport.

A part of this income may be applied, if you shall think proper, to the engrafting upon the library a reading room for periodical literature of high character, to which all may have access under such restrictions as your experience may determine.

In the selection of periodicals to be placed in this room, I would request that no preference be given as regards either political character or religious denomination, and that none shall be admitted which shall malign or be abusive of the people of any portion of our common country; or which shall have a tendency to encourage sectional animosities, or to weaken the bonds of unity which should ever exist between all the states of our beloved Union.

I leave to your discretion the proportion to be applied to the reading room or to other departments of the library, but would recommend that the larger portion of the income should be devoted to the purchase of standard works for the general library.

In case of a vacancy or vacancies occurring in your number, from whatever cause, I direct that the same shall be filled, so soon thereafter as may be, by your election.

I hereby give to you the power to organize and to choose a treasurer, and I direct that the income derived from this gift be kept separate and distinct from that derived from other sources, and that an annual report of the condition of the fund and amount of income be prepared and published by yourselves and your successors.

I am with great respect, your humble servant,

GEORGE PEABODY.

NEWBURYPORT, February 22, 1867.

GEORGE PEABODY.

Dear Sir:—In behalf of the associate gentlemen whom you have named as trustees, I have the honor to acknowledge the receipt of

your letter of the 20th inst., informing us of the gift by you to us and our successors of the sum of fifteen thousand dollars, to be held by us in trust for the use and enlargement of the public library of the city of Newburyport.

While regarding with admiration the wise and unexampled beneficence which has marked your dispensation of the fortune with which you have been blessed by Providence, our citizens have often referred with special pride to the fact that you passed a portion of your youth in this city; and it will be extremely grateful to them to find by this substantial token of your regard that you still cherish a pleasant recollection of this place, and take a kindly interest in its welfare and happiness.

The trustees have appointed Edward S. Moseley, esq., as their treasurer, and he has consented to serve in that capacity.

In the administration of the trust with which you have been pleased to honor us, it will be our aim and our desire to have regard to your suggestions in relation to the disposition of the income, and of the mode in which the trust shall be preserved and perpetuated, and in all respects to give effect to your wishes as expressed in your letter which accompanied the gift.

I am with much respect,

Your obedient servant,

E. F. STONE.

SALEM, February 23, 1867.

E. S. MOSELEY, Esq., Newburyport.

Dear Sir:—I have to acknowledge the receipt of a letter from Hon. E. F. Stone, accepting on behalf of yourself and the other gentlemen named in my letter of the 20th inst., the charge of the trust therein created by me for the use and enlargement of the public library of the city of Newburyport.

As I am informed by Mr. Stone's letter that you have been appointed by the trustees as the treasurer, I beg to enclose to you a check for fifteen thousand dollars, the amount of the gift in the letter to which I have referred.

I am with great respect,

Your humble servant,

GEORGE PEABODY.

The principal of this fund (\$15,000) has been deposited with the "Institution for Savings in Newburyport and Vicinity," and is subject to withdrawal only upon the written order of a majority of the trustees of said fund. As required in the letter of Mr. Peabody, conveying the gift, an annual report of the condition of the fund and amount of income is prepared and published for the information of the public.

The late John M. Bradbury, of Ipswich, Mass., son of the late Hon. Ebenezer Bradbury, of this city, also gave by his will, (proved and recorded in the probate office for Essex county April 17, 1876, book 131, leaf 131.)—

"To the Newburyport public library the sum of one thousand dollars."

By vote of the directors, this sum has been placed in the Institution for Savings in Newburyport and vicinity, and the interest thereof annually devoted to the purchase of books.

THE PUBLIC LIBRARY BUILDING

was purchased, at a cost of upwards of sixteen thousand dollars, from the proceeds of a fund subscribed by the public-spirited citizens of Newburyport and former residents of the city. The crowded condition of the library in the quarters provided for it at City hall rendered it absolutely necessary that more spacious apartments should be procured for its accommodation elsewhere. In the year 1863 through the active and earnest efforts of Edward S. Moseley, Esq.,

the sum needed to purchase and re-model the "Tracy House" on State street was subscribed, a deed of the property secured and the proposed alterations and improvements made without delay. In November, 1865, the library was removed to its new quarters. The building was conveyed to the city by the following deeds of trust, together with the surplus fund of five thousand dollars for its maintenance and repair.

Know all men by these presents,—

That we, Edward S. Moseley, Joshua Hale, and Charles M. Bayley, all of Newburyport, in the county of Essex, and commonwealth of Massachusetts, for good and lawful considerations us hereunto moving, do hereby give, grant, and convey unto the mayor and aldermen of the city of Newburyport for the time being, all the right title, and interest which we have in and to a certain piece of land, with the buildings thereon, situate in said Newburyport, and bounded as follows; namely:—

Beginning at the southerly corner thereof, on State street, by land of Dana Dodge and William Dodge; and thence running by said last-mentioned land, and by land of Moses Emery, deceased, north 52 deg., 15 min., west, one hundred and sixty-eight feet eight inches, to land of the heirs of Benjamin Hale, deceased: thence, by said heir's land, north 36 deg., 30 min., east, ninety-eight feet five inches; thence by said heir's land, south 57 deg., east, one hundred and sixty-two feet three inches, to said State street; thence, by said State street, south 32 deg., 45 min., west, one hundred and twelve feet two inches, to the bound first mentioned; containing, in all, sixty-three rods and 89-100ths of a rod; being the same conveyed to us by Jeremiah Colman and William Ashby, by deed of April 16, A. D. 1864.

To have and to hold the above granted premises to the said mayor and aldermen, and their successors in office, to them and their use and behoof forever. In trust, nevertheless, for the subscribers to the fund for a public-library building, under and subject to the following conditions; namely:—

First, That all the property and estate conveyed shall be dedicated, and appropriated in perpetuity, to use exclusively for the

city library, and for the reception of suitable objects of science and art.

Secondly, That the library shall not be opened for public use on the Lord's day.

Thirdly, That the library shall be administered by a board of directors chosen and appointed by the city council, together with the three persons or their successors constituted by the subscribers to be trustees of the surplus fund of subscription.

And we, the said grantors, for ourselves and our heirs, executors, and administrators do covenant with the said grantees and their successors in office, that we are lawfully seized in fee-simple of the aforegranted premises; that they are free from all incumbrances done or suffered by us; that we have good right to give, grant, and convey the same to the said grantees and their successors in office, forever, as aforesaid; and that we will, and our heirs, executors, and administrators shall, warrant and defend the same to the said grantees, and their successors in office, forever, against the lawful claims and demands of all persons claiming the same by, from, or under us.

In witness whereof, we, Edward S. Moseley, Joshua Hale, and Charles M. Bayley, and we, Charlotte A. wife of said Edward, and Sophia C., wife of said Joshua, and Charlotte C., wife of said Charles, in token of our release of all right and title of and to both dower and homestead in the above granted premises, have hereunto set our hands and seals, this twenty-second day of September, in the year of our Lord one thousand eight hundred and sixty-five.

Signed, sealed, and delivered in presence of

CHARLES THURLOW, }
B. GARDNER GERRISH, } *Witnesses.*

[Stamp.]

EDWARD S. MOSELEY,
JOSHUA HALE,
CHARLES M. BAYLEY, [l. s.]
CHARLOTTE A. MOSELEY,
SOPHIA C. HALE,
CHARLOTTE C. BAYLEY.

COMMONWEALTH OF MASSACHUSETTS,
ESSEX, ss., 22d Sept. 1865.

Then personally appeared the within named Edward S. Moseley,

Joshua Hale, and Charles M. Bayley, and acknowledged the foregoing instrument to be their free act and deed.

Before me,

M. E. HALE, JUSTICE OF THE PEACE.

WHEREAS certain persons, with a view of donating a suitable building to the city of Newburyport for the public library, subscribed sums of money for that purpose, and at a meeting duly notified held on the third day of February, A. D. 1864, appointed Edward S. Moseley, Joshua Hale, and Charles M. Bayley a committee with full powers to carry their views into effect; and whereas, in pursuance thereof, the building has been purchased and prepared, and a deed thereof on certain conditions has been given to the city, leaving, however, money in the hands of said committee unexpended:

Now this indenture, made and concluded this thirteenth day of October, A. D. 1865, by and between said Moseley, Hale, and Bayley, in their official capacity as the representatives of the subscribers, party of the first part; and Edward S. Moseley, Caleb Cushing, and Henry C. Perkins, subsequently chosen by said subscribers at a meeting duly called for that purpose,—namely, on the second day of October, A. D. 1865,—as trustees of the unexpended balance of said subscription, party of the second part,—

Witnesseth, that for and in consideration of the sum of one dollar to them, the said committee, paid by the said trustees, the receipt whereof the said party of the first part doth hereby acknowledge, the said committee, namely, Moseley, Hale and Bayley, hath given, granted, and conveyed, and by these presents doth hereby give, grant, and convey unto the said Moseley, Cushing, and Perkins, trustees, and to their successors, the balance of the funds subscribed and unexpended by said committee, amounting to five thousand dollars or thereabouts; provided always, and these presents are on this condition nevertheless, that the said trustees, party of the second part, shall keep the principal of the same invested according to their best judgment, either by depositing in any savings bank, or by investments now authorized by this commonwealth for such institutions, with power to expend the income thereof in the repair of the library building or its general maintenance, in accordance with votes heretofore passed by the said subscriber; making an annual report to the directors of the public library of their action in

the premises ; with the authority, on the resignation or decease of any one of the said trustees, for the survivors to appoint his successor with full powers to act as aforesaid ; and in case of the death or resignation of two of said trustees, without the vacancy thereby created having been filled, then the sole survivor shall have power to fill both vacancies.

And in case the places of all the trustees become vacant, then new trustees may be appointed by the Supreme Judicial Court, on application of the city of Newburyport. And it is further agreed that the city of Newburyport shall have the right at any time to make due application to the Supreme Judicial Court for the prevention or correction of any act of malfeasance in the execution of said trust ; said court to have the same jurisdiction in the premises as in other matters of trust under the statutes of the commonwealth.

In witness whereof, the parties aforesaid have hereunto set their hands and seals, this thirteenth day of October, A. D. 1865.

Signed, sealed and delivered in presence of

M. E. HALE.

[Stamp.]

EDWARD S. MOSELEY,
 JOSHUA HALE,
 CHARLES M. BAYLEY, [L. S.]
 EDWARD S. MOSELEY,
 CALEB CUSHING,
 HENRY C. PERKINS.

In accordance with the above instrument, the surplus fund of five thousand dollars set apart for the maintenance and repair of the Public Library building, is now held in trust by Edward S. Moseley, Samuel J. Spalding, and Daniel T. Fiske, trustees, and is invested in the "Institution for Savings in Newburyport and Vicinity," on condition that it shall be subject to withdrawal only on the order of two-thirds or the trustees ; the said trustees being empowered by the donors to fill any vacancies that may occur in their board, and in case of two vacancies existing at the same time, the remaining member to have the right to fill both ; and if at any time the board shall cease

to be represented, the Supreme Judicial court to fill the same.

A report of the condition of the fund and of the action of the trustees is annually required to be made to the directors of the library.

DONATION OF WILLIAM C. TODD

TO ESTABLISH A FREE PUBLIC READING ROOM.

WASHINGTON, D. C., March 26, 1870.

TO THE DIRECTORS OF THE NEWBURYPORT PUBLIC LIBRARY :

I have long wished in some way to show my regard for a city where I so long resided, and where I hope in the future to spend more or less time. I have thought I could in no manner better do this than by aiding to establish a free public reading room for the journals of the day, a want seriously felt, not only in Newburyport but in most other cities. In no other country are the journals so much read as in ours, in none do they exert so great an influence. With many they form almost the only reading, and I presume in Newburyport hundreds read the papers every day who do not once in a year take a book from the public library. The expense of many papers is, however, too serious for most to incur, and where only one is taken but a partial idea can be formed of the thought of the nation at large. The journals circulated in New England are mainly Boston papers giving Massachusetts views, and however excellent these may be, it can do no harm to compare them with those of other sections. I propose then, to the directors of the public library, if they will provide a room, attendance, etc., to pay three hundred dollars annually for five years, to be expended for journals, which will furnish probably from fifteen to twenty first-class daily, and as many weekly papers, sufficient if judiciously selected, to give a clear idea of the national spirit of the press. If the interest felt in the reading room and its good influence shall be as great as I trust and believe will be the case, it is my intention to give a trust fund of five thousand dollars to render it a permanent institution.

If this proposition is accepted, as I trust it will be, I have only a few conditions to prescribe, and those would probably be adopted without any suggestion. I should wish the journals always so divided

among the two great political parties that no party bias shall be shown. It should be understood also, that the reading room is for the ladies as well as for the gentlemen of the city, and if any special arrangement is needed for them, as I do not judge will be, it will be made; so many of them were my pupils in the Female High school that I naturally feel an interest in them, and have had them in my mind equally with the gentlemen in this proposition, especially as it is understood they possess half the intelligence of the city, and in the progress of events may one day have more than half the votes.

Very respectfully yours,

WILLIAM C. TODD.

At a meeting of the directors held April 12, 1870, it was voted to accept the generous donation of Mr. William C. Todd, and that the thanks of the board be extended to him therefor.

The trustees of the Peabody fund being authorized by the terms of Mr. Peabody's gift, have united with Mr. Todd in appropriating three hundred dollars per annum to meet the expenses of the reading room, and the trustees of the building fund have provided the necessary apartments for its accommodation in the public library building.

RULES AND REGULATIONS

RELATING TO THE PUBLIC LIBRARY.

CHAPTER I.—THE BOARD OF DIRECTORS AND THEIR DUTIES.

RULE 1. The mayor of the city shall be president of the board.

RULE 2. The stated meetings of the board shall be on the last Monday of the following months, viz.: January, March, May, July, September and November.

RULE 3. The president shall call a special meeting of the board at the written request of any two members, provided such request states the object for which the meeting is to be called, and may at any time call a meeting at his own discretion.

RULE 4. At the stated meeting in January, the standing committees of the board shall be appointed, any vacancy in which may be filled at any meeting.

RULE 5. The standing committees of the board shall consist of three members each, and shall be as follows:

1. On Library;
2. On Librarian;
3. On Library Room;
4. On Accounts and Finance;
5. On Reading Room;
6. On Bradbury Fund.

It shall be the duty of the Committee on Library:—

1. To recommend to the board, from time to time, such books as it may be desirable to purchase or exchange.

2. To purchase and exchange such books as the board may authorize.

3. To direct in relation to the repair, binding and covering of books, and their preparation for circulation.

4. To determine, subject to the sanction of the board, what books shall be used only for reference, and subject to such sanction, to impose any other restrictions on the use of the books.

5. Annually, in the month of November, to make an examination of the library, and to prepare for the adoption of the board, the report required to be pre-

sent to the city council, in accordance with the 5th section of the city ordinance entitled "An Ordinance concerning the Public Library."

It shall be the duty of the Committee on Librarian:—

1. To see that the rules and regulations relative to the duties of the librarian be strictly complied with.
2. To see that proper books and forms be prepared for the use of the librarian.
3. To make any temporary change in the rules and regulations relative to the librarian which they may deem expedient, provided such change does not continue after the next stated meeting of the board, without their sanction.
4. To superintend the preparation and printing of such catalogues of the books in the library as the board may order.

It shall be the duty of Committee on Library Room:—

1. To have the general charge of the room or rooms in which the property of the library is contained.
2. To attend to lighting and warming the rooms, and in connection with the committee on library, to direct in relation to all fixtures for the arrangement and preservation of the books and other articles belonging to the library and for the accommodation of visitors to the room.
3. To see that the rules and regulations for preserving order in the rooms be complied with.

It shall be the duty of the Committee on Accounts and Finance:—

1. To examine all bills against the library, and report the same to the board for approval, agreeably to

the 6th section of the city ordinance, entitled "An ordinance concerning the Public Library."

2. To present to the committee on library, annually, as early in November as the accounts can be made up, a report of all receipts and expenditures for the year, and of the state of the library fund.

3. To employ such means as they may deem best, to obtain donations in money and books for the increase of the library; all money thus received to be paid over to the city treasurer, and by him passed to the credit of the library fund, to be appropriated at the order of the board.

It shall be the duty of the Committee on Reading Room:—

1. To have the general charge of the reading room.

2. To see that the rules and regulations of the reading room are observed.

3. To recommend to the board from time to time, such papers and periodicals as it may be desirable to take.

4. To subscribe for and purchase such papers and periodicals as the board may authorize.

5. To present to the board annually, in November, a report of all receipts and expenditures for the year, and of the general condition of the reading room.

It shall be the duty of the Committee on Bradbury Fund:—

1. To see that the donation made to the directors of the public library by the late John M. Bradbury, Esq., is securely invested and that the promissory notes, bonds, or other securities are properly endorsed and placed in the hands of the city clerk for safe keeping.

2. To collect the income due from the investment of said fund and hold the same subject to the order of the board of directors.

3. To recommend from time to time such changes in the investment of the fund as may in their opinion be necessary or expedient.

RULE 6. No book, pamphlet, periodical, paper, or other article presented to the library or reading room, shall be placed in the room permanently (books purchased by the trustees of the Peabody fund excepted) until it shall have been examined and approved by the committee on library, or committee on reading room, according to its designed place of deposit.

RULE 7. All committees of the board shall be appointed by the president unless otherwise ordered.

RULE 8. Five members of the board shall be a quorum for the transaction of business; but any number more than one may adjourn any meeting.

CHAPTER II.—DUTIES OF THE LIBRARIAN.

RULE 1. All persons hereinafter specified who shall sign an obligation to observe all the existing rules and regulations of the library, and all rules that may be subsequently prescribed by due authority, shall have free right to take books from the library as long as they comply strictly with its regulations, viz:—

All inhabitants of the city of Newburyport above the age of sixteen years; all inhabitants of the towns of Newbury and West Newbury above the age of sixteen years, provided the said towns shall pay annually, in the month of January, to the city of Newburyport, their proportion of the expenses of managing said library compared with those incurred by said city for that purpose; (said proportions to be in the ratio of

the respective appraisements of said city and towns in the state valuation; and each of said towns to pay one-half per centum annually, on the cost of the apartments or buildings employed for said library); and any person not an inhabitant of Newburyport, Newbury, or West Newbury, who shall be a benefactor to the library to an amount not less than twenty dollars.

RULE 2. No person shall be allowed the use of more than one volume at any one time. Books may be kept out of the library fourteen days only, provided always, any book may be renewed once to the same person, but not more than once until it shall have remained in the library one full library day. The fine for retention of any volume over the time above specified shall be two cents for every day it is so retained. The provisions of this article are subject to the discretionary power conferred on the committee on library by chapter 1, rule 5, section 4.

RULE 3. Any book retained two weeks beyond the time prescribed by these regulations shall be sent for by the librarian; and the expense incurred in obtaining it shall be paid by the person so retaining it. No transfer of books will be permitted except made at the library.

RULE 4. The privileges of the library and reading room shall be denied to persons who persistently violate the rules, or deface any book or other property of the library with writing marks or mutilation.

The following law of this state will be enforced on all known offenders: "Whoever willfully and maliciously writes upon, injures, defaces, tears, or destroys any book, plate, engraving, or statue, belonging to

any law, town, city, or other public library shall be punished by a fine of not less than five dollars nor more than one thousand dollars for every offence."

RULE 5. All injuries to books beyond a reasonable wear, and all losses, shall be made good to the satisfaction of the committee on library, by the person liable; and any book not returned within one week after demand for it made by the librarian, shall be regarded as lost. If any book be lost, the person for whose use it was taken out shall pay such a sum as the committee shall determine, or replace the book; or if it be one of a set, he shall pay the price of a set and take the remaining volumes to himself, if the committee on library should so determine.

RULE 6. All books are required to be returned to the library fourteen days before the annual examination, under penalty of a fine of one dollar, but seasonable public notice shall be given by the librarian.

RULE 7. No person owing a fine or forfeiture shall receive books from the library until the same is paid.

RULE 8. All persons visiting the library room will be required to demean themselves quietly, and to avoid all unnecessary conversation in the room. Any person abusing the privileges of the library by improper or offensive conduct will be denied admission to the library room.

RULE 9. Every person entitled to borrow books out of the public library, and desirous so to do, shall receive from the librarian a printed card, on which the alcove and the number of the book asked for shall be designated in blanks left for the purpose, and if it be a part of a set, then the number of the particular volume; all which numbers may be easily ascer-

tained from the printed copies of the catalogue; and this card, which will be presented to the librarian as the only mode of obtaining any book that may be asked for, will be returned to the owner at once if the book cannot be found, or if it is found, then as soon as it is duly charged in the borrower's account.

RULE 10. Books of reference, and those deemed by the committee on library unsuitable for general circulation, shall not be loaned except by an order signed by at least two of the said committee.

RULE 11. The library shall be open for the delivery of books every day, Sundays, Christmas, New Year's day, Thanksgiving days, Fast days, Washington's birthday, and Fourth of July, excepted; also excepting the following day when either of the two days last named occurs on Sunday. From March to November inclusive it shall be open from 9 a. m. till 1 p. m., and from 2 p. m. till half-past 5 p. m. During the other months of the year it shall be open from 9 a. m. till 1 p. m., and from 2 p. m. till 5 p. m.

CHAPTER III.—THE LIBRARIAN AND HIS DUTIES.

RULE 1. A librarian shall be appointed, and his compensation fixed by the board of directors, in the month of January, annually, who shall hold his office for one year, and until his successor is appointed, subject to removal at the pleasure of the directors. He shall act as their secretary, and keep full and accurate records of their proceedings.

RULE 2. He shall, under the direction of the committee on librarian, have the charge and superintendence of all the rooms of the public library, and

shall be responsible for the due care and keeping of all the books or other public property contained in them.

RULE 3. He shall be present in the library, in person or by an assistant, during such times as it may be open to the public, and during all other times when required by the directors, performing, in such a manner as they may prescribe, whatever duties are usually required of a librarian.

RULE 4. He shall prepare such catalogues, books, and forms, as the committee on librarian may direct.

RULE 5. He shall acknowledge all gifts to the library as soon as they shall have been reported to the directors and accepted, first procuring the signature of the president of the board to each acknowledgment he may make.

RULE 6. He shall keep a careful record of all such books as may be asked for and are not in the library, and also the names of the persons asking for them, exhibiting it to the committee on library whenever called for.

RULE 7. He shall cause a book-plate to be inserted in such volumes belonging to the library, noting on it the date of its reception, the name of the donor if it be a gift, and the alcove and number it may bear.

RULE 8. He shall cause to be marked on each volume in the library, or on the back of its cover, the alcove in which it is kept and its own number.

RULE 9. He shall cause every volume intended for circulation to be neatly covered with suitable paper, and to have attached to it such rules of the library as are needful to be known by those who may

use it; but he shall permit no book to be used until it shall have been entered in the alcove catalogue.

RULE 10. He shall annually, at the discretion of the committee on library, call in all books that are out, and prepare for examination the books and other property of the library under his control, and shall at the same time make and present to the committee on library a detailed and circumstantial report of its condition and increase during the year.

CHAPTER IV.—THE USE OF THE READING ROOM.

RULE 1. The reading room shall be open to all citizens of sixteen years of age and upwards, on signing the rules adopted by the directors for its government, and agreeing to conform to them.

RULE 2. Strangers may be introduced on similar conditions.

RULE 3. The reading rooms shall be open from 9 a. m. till 1 p. m.; from 3 p. m. till 6 p. m., and from 7 p. m. till 9 p. m.

RULE 4. As the rooms are designed for reading, no conversation will be allowed. Periodicals may be had on application to the superintendent.

RULE 5. No book, periodical, or paper can be taken from the room.

CHAPTER V.—THE DUTIES OF THE SUPERINTENDENT OF THE READING ROOM.

RULE 1. A superintendent of the reading room shall be appointed and the compensation fixed by the board of directors, (subject to the approval of the trustees of the Peabody fund so long as the compensation shall be paid from said fund) in the month of January, annually, who shall hold the office for one

year, and until a successor is appointed, subject to removal at the pleasure of the directors.

RULE 2. The superintendent, under the direction of the committee on reading room, shall have the charge and superintendence of the reading rooms, and shall be responsible for the due care and keeping of all the periodicals, papers, and other public property contained in them.

RULE 3. The superintendent shall be present in the reading room, in person or by an assistant, during such times as it may be open to the public, and during all other times when required by the directors.

RULE 4. The superintendent shall annually, at the direction of the committee on reading room, make and present to said committee, a full report of its general condition.

RULE 5. These rules and regulations, or any of them, may be repealed, altered or enlarged at any stated meeting, notice of such repeal, alteration or enlargement having been given at a previous stated meeting, and attention called to the same in the regular notices of the meeting when such action is to take place.

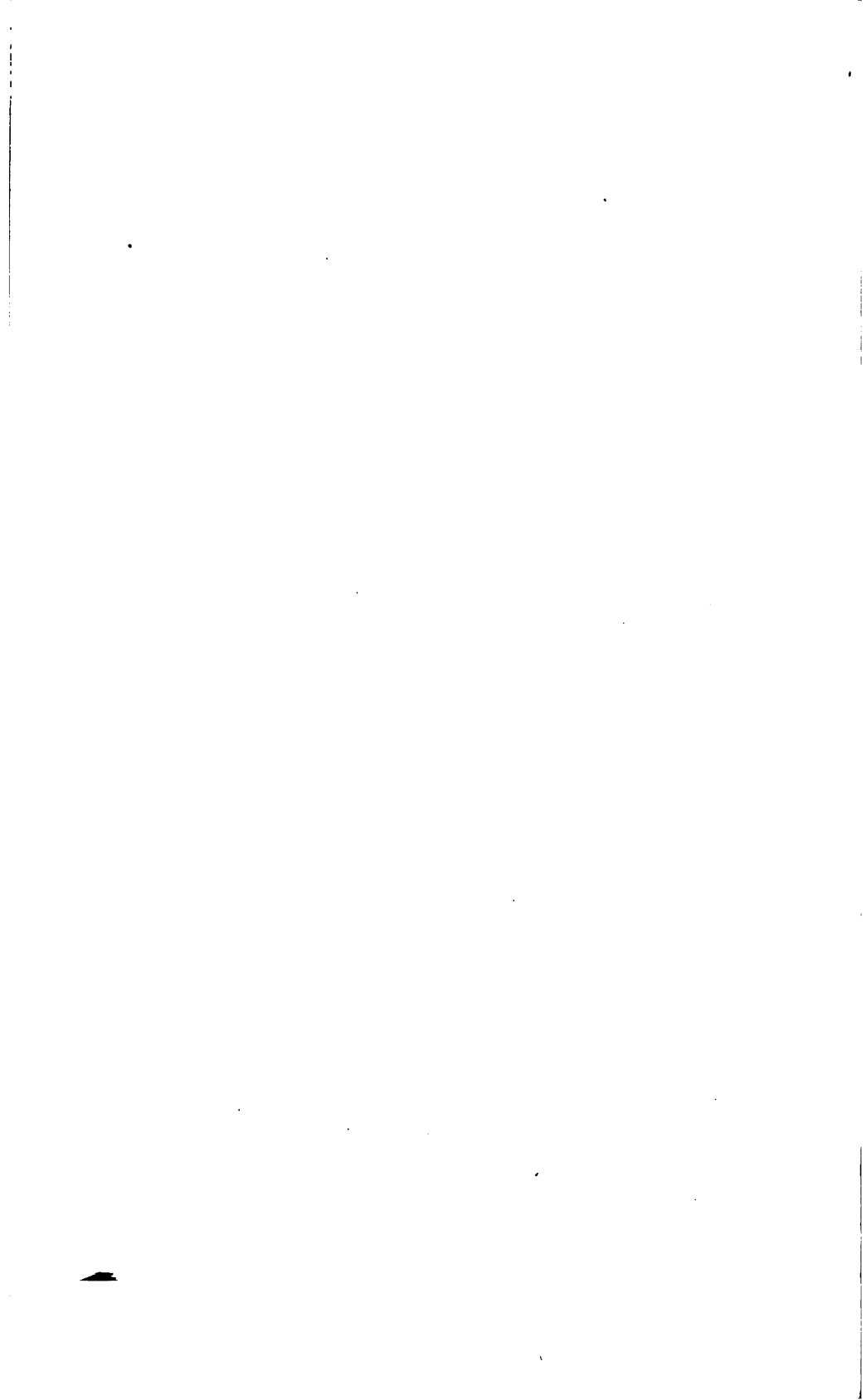
All rules and regulations heretofore passed are hereby repealed.



DONATIONS AND BEQUESTS

TO THE

CITY OF NEWBURYPORT.



DONATIONS AND BEQUESTS

TO THE

CITY OF NEWBURYPORT.

EXTRACT from the will of TIMOTHY DEXTER, late of Newburyport, approved and allowed November 3, 1806; recorded O. S. Book 74, leaf 175:

* * * "Item. I give unto the town of Newburyport, two thousand dollars, to be put at interest by the overseers, and the interest to be given to such of the poor of the town as the overseers may think most *necessitous*, who are not in the workhouse, *annually*."

Essex, ss. Probate Office, December 2, 1869.

Attest, JAMES ROPES, ASSISTANT REGISTER.

AN EXTRACT from the will of MOSES ATKINSON, late of Newburyport, proved on the fifth day July A. D., 1814.

"Item. I give to the school district to which I belong, toward the support of a school for reading, writing, arithmetic and English grammar, after the payment of the several legacies herein above bequeathed, all the money and notes which my said wife shall leave unexpended, except the last article in the first clause of this instrument; also about ten acres of salt marsh, situate in Salisbury in said county; also about seventeen acres of land in said New-

bury, being part of my homestead; also three and three-fourths cowrights in the general pasture in said Newbury; also about four acres of pasture land in said Newbury, bounded northwesterly by Matthias Atkinson's land, northeasterly by Moses and William Merrill's land, southeasterly by Stephen Coffin's, and southwesterly by Sarah Lunt's land,— with liberty to sell the last mentioned lot, if it be most for the interest of the said district to appropriate the annual interest thereof toward the support of said school. All the said bequests to be under the direction of a committee to be chosen by a majority of the legally qualified voters in said district in the month of April annually forever. But if the said district shall hereafter be divided, I then give the whole of said bequests to that part of the present district, in which I now live. And furthermore if the said district shall neglect for the space of one year, after possession, to appropriate the income of this legacy to the purpose and for the use aforesaid, I then give the whole of said legacy to my nephews — Moses Atkinson, William Atkinson, Thomas Hale and Ebenezer Hale, to be equally divided between them, to them and their respective heirs and assigns forever."

ESSEX, ss. A true copy,

Attest,

A. C. GOODELL, REGISTER.

EXTRACT from the will of **MOSES BROWN**, late of Newburyport, merchant, deceased; executed October 22, 1824.

"I give and bequeath to the inhabitants of the town of Newburyport aforesaid, the sum of six thousand dollars as a fund for the use and support of a grammar school in said town forever. And I do hereby direct that a special committee shall be annually chosen at the meeting of the said inhabitants, holden in the month of March, annually, for the purpose of managing and taking care of the said fund until a board of trustees may be established for that purpose as is hereinafter mentioned; and I do hereby expressly direct that the said principal sum of six thousand dollars shall be kept at interest and that the interest and produce thereof shall be applied and added to the said principal sum for the increase

of the same until the same shall accumulate and amount to the sum of ten thousand dollars, before any part of the said interest or produce shall be applied and appropriated towards the support of the said school; and when the said principal sum shall amount to the sum of ten thousand dollars, then the annual interest and produce of the same shall be applied for and towards the support of a grammar school in the said town of Newburyport forever; and I do recommend to the said inhabitants to procure an act of incorporation, establishing a board of trustees, with suitable provisions for the purpose of preserving the said fund and applying the interest and produce thereof according to my intention as hereinbefore expressed, and so order and direct that the whole principal sum and the securities belonging to the same shall be transferred and paid over to the said trustees, whenever they may be appointed pursuant to such act of incorporation, to be managed by them for the purposes aforesaid, instead of a committee as is before mentioned."

EXTRACT from the codicil to the will of **MOSES BROWN**, late of Newburyport, merchant, deceased; executed April 25, 1826:

And respecting my bequest in my said will for the use and benefit of a grammar school in said Newburyport, I do hereby further limit and restrict the same in manner following, to wit: The said sum of six thousand dollars, shall be invested in good public stocks or other good securities on interest and the interest or produce thereof shall be applied and added to the said principal sum for the increase of the same until the same shall accumulate and amount to the said sum of fifteen thousand dollars before any part of the said interest or income shall be applied and appropriated towards the support of said school; and when the said first mentioned sum of six thousand dollars, shall thus have accumulated and shall amount to the said sum of fifteen thousand dollars; then the same shall be kept, and remain a permanent fund forever, and the annual income and produce thereof shall be applied for and toward the support of a grammar school in said town of Newburyport, and for no other purpose or use forever. And if at any time after said bequest shall have accumulated to the sum of fifteen thousand dollars, in manner aforesaid, any loss or

losses of any part of said permanent fund shall occur, my will and desire in such case is, and I do hereby order that whosoever may then have the care and management of said fund shall set apart the whole or a portion of the income or produce of the remainder thereof, annually, according to their discretion, to be added to the said remainder of said permanent fund, together with accumulating interest upon interest until such loss or losses are fully made up and the said permanent fund is restored to the aforesaid sum of fifteen thousand dollars.

And if hereafter the inhabitants of said town shall discontinue or neglect to maintain a grammar school in said town for the space of one full year at any one time in continuance, then the said bequest shall become forfeited thereby and shall with all its accumulated interest and capital and whatever may be due thereon at the time of such forfeiture revert and go to and be merged in the residue of my estate and be subject to the same disposition as is made of said residue in and by my said original will.

And I do hereby revoke and declare null and void all that part and those parts of my said original will which may be contrary unto or in any manner conflict with any of the provisions of this codicil.

In witness whereof I have hereunto set my hand and seal this twenty-fifth day of April, in the year of our Lord eighteen hundred and twenty-six.

MOSES BROWN. [SEAL.]

Signed, sealed, published and declared by the said Moses Brown, to be his codicil to his last will and testament in presence of us, who at his request and in his presence and in the presence of each other have hereunto subscribed our names as witnesses to the same.

THOMAS M. CLARK,
SAMUEL TENNEY,
SAMUEL MULLIKIN.

ESSEX, ss. Probate Office.

A true copy of record, approved March 6, 1827.

Attest, JAMES ROPES, ASSISTANT REGISTER.

Extract from the will of Mrs. Margaret Atwood, late of Newburyport, approved and allowed August 7, 1832; recorded O. S. Book 108, leaf 196.

“SEVENTH. There is at this time a school kept in the town of Newburyport called an infant school, which I hope will be continued and patronized. I therefore devise, give and bequeath to my executors and their successors, as trustees, and in trust, forever, for the use of said infant school, an annual legacy of twenty dollars, to be annually appropriated for the benefit and use of said infant school, at the discretion of my executors and their successors, jointly, with the selectmen of the city of Newburyport for the time being forever.

TENTH. By this, my will, it is evident, and I declare it to be my intention, that all the foregoing legacies with the exception of a part of the legacy to my son and the legacies to John Atwood, Susan Atwood and Betsy Atwood, are to be paid from the income of my property; and therefore, after paying the several foregoing annual legacies from year to year as I have provided, I devise, give and bequeath to my executors and their successors, as trustees and in trust forever, the rest, residue and remainder of the income of all my estate, to be by them paid over for the best interest of the poor of the town of Newburyport, and to the proper officers thereof; and whenever by death or by operation of law any of the foregoing legacies shall be determined and cease, I declare the same to merge in and become a part of this my residuary legacy, and to belong thereto, and appropriated accordingly.

TWELFTH. As my executors hereinafter named must all soon follow me to the grave, I authorize and empower the judge of probate for the time being in the county in which the town of Newburyport may be situated, immediately on the decease of any one of them to appoint a successor and successors as executors and trustees of this my will forever with all the authority given to my executors herein named.”

Essex, ss. December 2, 1869,

A true copy of record in the probate office.

Attest, JAMES ROPES, ASSISTANT REGISTER.

A true extract from the will of John Bromfield, late of the city of Boston, merchant, deceased. Proved January 14, 1850.

* * * "I order the sum of ten thousand dollars to be invested at interest in the Hospital Life Insurance Company, in the city of Boston, so and in such manner as that the selectmen or other duly authorized agents of the town of Newburyport for the time being, may, annually, receive the interest which shall accrue or become payable for, or in respect of said deposit; and I direct that by or in behalf of said town, the interest so received shall be annually expended, one-half in keeping the sidewalks in the public streets of said town in good order, and the other half in the planting and preserving trees in said streets, for the embellishing and ornamenting of said streets for the pleasure and comfort of the inhabitants." * * * * *

Attest, WILLIAM C. BROWN, REGISTER.

Rev. William Horton, D. D., by his will dated October 22, 1863, and approved December 15, 1863, after making various bequests, gives to certain persons whom he names as trustees the rest and residue of his estate, real, personal and mixed, to hold and invest the same in good securities, the income thereof to be paid over to his wife and mother during their lives and in case of the death of either of them the said income is to be paid to the survivor. At the termination of this trust the testator goes on to say:

"I direct the trustees to pay over the principal or trust fund in the manner following, that is to say: * * * * *

"To the city of Newburyport, for the purchase of land, (if necessary for the purpose) and for the erection of a commodious almshouse, one-quarter (1-4) part."

In accordance with the provisions of this will the

trustees paid to the city of Newburyport, June 22, 1880, the sum of \$19,589.22, and that amount has been placed in the hands of the sinking fund commissioners for safe keeping until such time as the city council shall authorize the erection of a suitable almshouse.

AN ACT TO INCORPORATE THE TRUSTEES OF THE PUTNAM FREE SCHOOL.

[Special Acts of 1838, Chap. 85.]

WHEREAS Oliver Putnam, late of Boston, deceased, by his last will and testament, bequeathed the sum of fifty thousand dollars for the establishment and support of a free English school in Newburyport, in the county of Essex; therefore,

Be it enacted by the Senate and House of Representatives, in general court assembled, and by the authority of the same, as follows:

SECTION 1. Caleb Cushing, Edward S. Rand, Daniel Dana, William B. Bannister, Josiah Little, Ebenezer Stone, Henry Johnson, and Roger S. Howard, and their successors, are hereby made a corporation by the name of the Trustees of the Putnam Free School, to be established in the town of Newburyport, in the county of Essex, with all the powers and privileges, and subject to all the restrictions and limitations set forth in the forty-fourth chapter of the revised statutes, with the liberty of holding and managing real and personal estate, the net income of which shall not exceed six thousand dollars, to be applied exclusively to the purpose of education, in conformity with the provisions in the will of Oliver Putnam, late of Boston, deceased.

SECT. 2. The treasurer of said trustees shall give bond to the satisfaction, for the security of all moneys, papers, and funds belonging to said trust, which may come to his hands, as well as for the faithful discharge of the duties of his office.

SECT. 3. The said trustees may remove any member of their board when disqualified by age or otherwise, to discharge the

duties of his said office by vote of two-thirds of the other members, and, by a similar vote, shall fill any vacancy in their board, under the limitation and in the manner provided in the will of the said Putnam.

[Approved April 9, 1838.]

A true EXTRACT from the will of OLIVER PUTNAM, late of the city of Boston, deceased:

* * * "The residue of my property I give and bequeath for the establishment of a free English school, in Newburyport, for the instruction of youth, wherever they may belong. If at the final payment of the foregoing legacies, it should amount to fifty thousand dollars, the executors will then pay it over as hereafter provided; but if not, they will retain it to accumulate until it amounts to that sum, and then pay it over to trustees for that purpose to be appointed by the selectmen of Newburyport. After the first appointment of trustees, vacancies in their board to be filled by nomination from them, subject to the approval of the said selectmen, who besides are always and at all times to have and exercise the right of visitation for the purpose of looking to the security of the funds and that the interest or income of them is applied according to the bequest. In the selection of trustees no reference is to be had to their places of residence, but only to their qualifications for the trust. The trustees are to invest the whole principal in good and sufficient securities, bearing interest or producing income, to the satisfaction of the said selectmen, to be and remain a permanent fund, the interest or income only of which to be applied to the establishment and support of the school. The youth to be instructed in reading, writing and arithmetic, and particularly in the English language, and in those branches of knowledge necessary to the correct management of the ordinary affairs of life whether public or private, but not in the dead languages. The monotorial system of instruction to be introduced and used so far as it may be found on experience that it can be done with advantage." * * *

Attest, WILLIAM C. BROWN, Register.

Copy of the vote of the selectmen of Newburyport,
appointing the trustees of the Putnam Free School:

NEWBURYPORT, February 27, 1838.

We, the undersigned, in compliance with the will of the late Mr. Oliver Putnam, and by authority therein given, have this day, at a special meeting held for that purpose at the selectmen's room, chosen and appointed the following named persons, viz: Caleb Cushing, Edward S. Rand, Rev. Daniel Dana, William B. Bannister, Josiah Little, Ebenezer Stone, Henry Johnson, and Roger S. Howard, to be the trustees under the will. Signed,

CHARLES H. BALCH,	}	SELECTMEN OF NEWBURYPORT.
JOHN N. CUSHING,		
JEREMIAH COLMAN,		
HENRY MERRILL,		
NATHANIEL HORTON,		

A true copy as of record,

Attest, ELEAZER JOHNSON, 3d,
Town Clerk of Newburyport.

BOARD OF TRUSTEES OF THE PUTNAM FREE SCHOOL,—1880.

AND THE DATE OF THEIR ELECTION.

EBEN F. STONE, PRESIDENT,	Dec. 1, 1858.
JOHN N. PIKE, SECRETARY AND TREASURER,	May 6, 1863.
FRANCIS A. HOWE,	Nov. 15, 1869.
RANDOLPH CAMPBELL,	June 2, 1873.
DANIEL T. FISKE,	Nov. 27, 1873.
ELISHA P. DODGE,	Nov. 1, 1877.
JOHN J. CURRIER,	Nov. 1, 1877.
JOSEPH B. MORSS,	Feb. 6, 1878.

Extract from the will of the late Mrs. Lucy M. Follansbee of Salem, Mass., daughter of the late Capt. Thomas M. Follansbee, formerly of Newburyport.

“Fifteenth. To said city of Newburyport the sum of three thousand dollars, the annual income thereof to be expended by the mayor and aldermen of said city, in the purchase of fuel for distribution among the worthy poor of said city.”

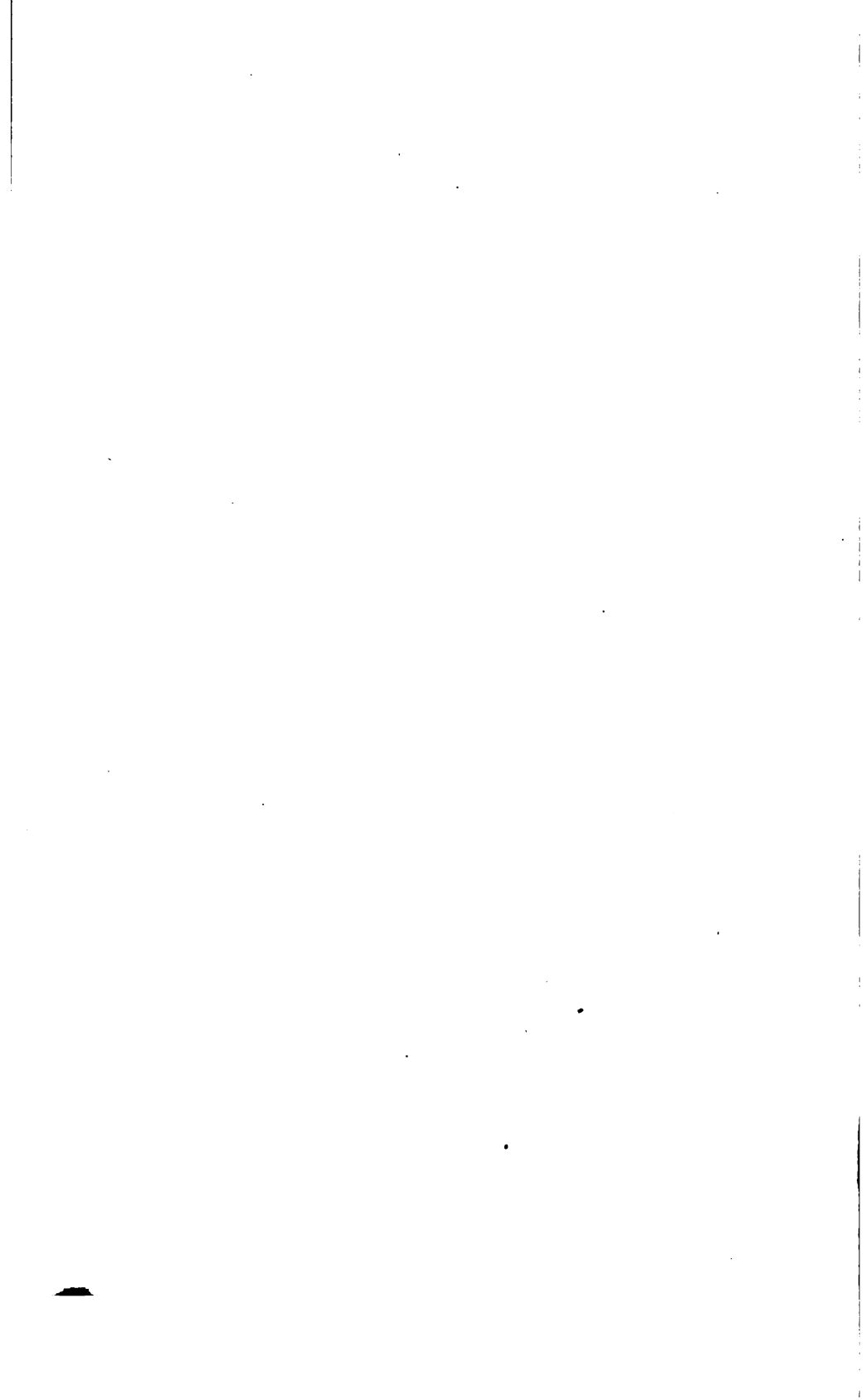
April 29, 1874, the city treasurer received from Mr. J. B. F. Osgood, the executor of the will from which the above item is copied, the sum of three thousand dollars, which sum is now (December 1, 1880) invested as follows:

\$3000.	City Railroad Bonds at 7 per cent . . .	\$2,850.00
	Deposited in Five Cents Savings Bank . . .	120.00
	“ Institution for Savings . . .	30.00
		<hr/>
		\$3,000.00

PERAMBULATION OF BOUNDARY LINES

WARD LINES

STREETS, COURTS, &c



BOUNDARY LINES.

PERAMBULATION OF THE BOUNDARY LINE BETWEEN THE TOWN OF NEWBURY AND THE CITY OF NEWBURYPORT.

Statement of the perambulation of the boundary line between the town of Newbury and the city of Newburyport, as rectified and renewed by the mayor and a committee of the board of aldermen on the part of the city of Newburyport and the selectmen of the town of Newbury, June 1, A. D. 1880.

Beginning at a stone monument marked N., W. N. and N. P., standing on land owned by Mrs. Nancy O. Little, wife of John Little, near the Birchen meadow, and running north 52 degrees, east, two hundred and ninety-three (293) rods, thirteen (13) links to a stone monument standing in Common pasture marked N and N. P. ; thence due east one hundred and two (102) rods to the southerly side of Little river to a stone monument marked N. and N. P. ; thence by the southerly bank of said Little river one hundred and forty-six (146) rods, nineteen (19) links to a stone monument standing at Clark's bridge, marked N. and N. P. ; thence north 81 degrees, east two hundred fifty-two (252) rods, four (4) links to a stone monument standing on State street, formerly known as Newburyport turnpike, marked N. and N. P. ; thence by the same course twelve (12) rods, seventeen (17) links to an elm tree standing on land of Charles Noyes ; thence north 78 degrees, east, sixty-seven (67) rods, five (5) links to stone monument standing on Parker street marked N. and N. P. ; thence in the same direction one hundred forty-one (141) rods, seventeen (17) links to a stone monument standing on the northerly

corner of Marlborough street marked N. and N. P.; thence south 62 degrees, east one hundred seventy-eight (178) rods, eleven (11) links to a stone monument marked N. and N. P., standing on Ocean avenue; thence by the same course one hundred and eighty (180) rods, eighteen (18) links to a stone monument standing on the Plum Island turnpike marked N. and N. P.; thence north 67 degrees, 30 minutes, east three hundred ninety eight (398) rods, twenty (20) links to a stone monument marked N. and N. P., standing on Plum Island; thence by the same course twenty-nine (29) rods, four (4) links to a stone monument marked N. and N. P. standing on Plum island; thence by the same course about one hundred and sixteen (116) rods to the Atlantic ocean.

JOHN J. CURRIER, } Committee on the part
 J. OTIS WINKLEY, } of the Mayor and
 ALBERT CHEEVER, } Aldermen of Newburyport.

NATH'L DOLE, } Selectmen
 HORACE F. LONGFELLOW, } of
 JOSEPH N. ROLFE. } Newbury.

PERAMBULATION OF THE BOUNDARY LINE BETWEEN THE CITY OF NEWBURYPORT AND THE TOWN OF WEST NEWBURY.

Statement of the perambulation of the boundary line between the city of Newburyport and the town of West Newbury, as rectified and renewed by the mayor and a committee of the board of aldermen on the part of the city of Newburyport, and the selectmen of the town of West Newbury, May 27, A. D. 1880.

Beginning at Artichoke river where it connects with the Merrimac river, thence up said Artichoke river and through the middle thereof about five hundred and seventy-two (572) rods and twenty-two (22) links to a place in the middle of said stream formerly known as the "new log," said place being about two rods southwesterly from the "double bridge," so called, across said Artichoke river, (a stone monument marked N. P. and W. N., standing near said place on the eastern bank of said river); thence south twenty-five (25) degrees, east in a direct line of four (4) stone monuments marked N. P. and W. N., one being on the bank of the river, and two on the

highway at the westerly side of Turkey hill, and one near the top of said hill on land of heirs of Joshua L. Hale and close to the stone wall between the said Hale's land and land of Robert L. Brown; thence in the same direction to the stone monument near the southerly side of Birchen meadow on land now owned by Mrs. Nancy O. Little, wife of John Little, said monument being at the most southerly corner of the town of West Newbury, the southwesterly corner of the city of Newburyport, and on the northerly boundary of the town of Newbury, and marked N., N. P. and W. N.; the whole distance between the two extreme points after leaving Artichoke river being about three hundred and sixty (360) rods.

JOHN J. CURRIER, } Committee on the part,
 J. OTIS WINKLEY, } of the Mayor and
 ALBERT CHEEVER, } Aldermen of Newburyport.

CHAS. W. ORDWAY, } Selectmen of
 RICHARD NEWELL, } West Newbury.

WARD LINES.

CITY OF NEWBURYPORT.

IN BOARD OF ALDERMEN, November 10, 1876.

ORDERED, the common council concurring, that agreeably to the requirements of section 3d of the city charter, and to equalize the inhabitants of the several wards of the city, the lines of the several wards be fixed as follows :

Ward One to contain all the territory of the city south-easterly of a line beginning between 129 and 131 Water street, thence running on the west side of Salem to Purchase, thence between numbers 10 and 12 Purchase, crossing Milk between 33 and 35 and 38 and 40, to Newbury street between numbers 12 and 13, and thence on the east side of Parsons street to High, thence on a straight line to the south-west boundary of the city, leaving all of the inhabitants on Salem street in Ward One, and those on Parsons street in Ward Two.

Ward Two to contain all the territory north-westerly of the last-named line to Federal street, including all the houses bounded on said street, and pursuing a line south-westerly from the north-west side of said street to the bounds of the city.

Ward Three to contain all the territory from the north-westerly line of ward two, to a line commencing on the north-west side of Market Hall building, to include both sides of Inn street and Tracy's court continuing through the centre of Park street, crossing High and the Mall into Pond street, taking in the south side of Pond street, both sides of Hill street to Parker street, thence running on the same course to the southerly bounds of the city.

Ward Four to contain all the territory from the north-west boundary of ward three to a line beginning between numbers 146 and 148 Merrimac street, thence continuing on the north-west of Boardman street including all the houses bounding on said street including the the house on the south-west corner of said street and High street, crossing High street between numbers 191 and 195, and continuing on a straight line to the bounds of the city.

Ward Five to contain all the territory from the north-west line of ward four to a line commencing at the Merrimac river on the south-east corner of the wharf at the foot of Broad street, through the centre of Broad street, crossing High street and continuing in a straight line south-east of Toppan street, touching and continuing the ward line of 1866 at the house of William T. Colman, leaving said Colman's house in ward five.

Ward Six to contain all the territory north-west of the last mentioned line.

IN BOARD OF ALDERMEN, November 10, 1876.

Adopted.

Attest,

GEORGE H. STEVENS, City Clerk.

IN COMMON COUNCIL, November 10, 1876.

Adopted in concurrence.

Attest,

THOMAS E. CUTTER, Clerk.

STREETS, COURTS, PLACES, &c.

- Allen, from 78 Prospect to 56 High.
Artichoke Bridge, Curson's Mill road, near the mill.
Ashland, from 303 Merrimac to 290 High.
Ashland Place, from 18 Ashland.
Atkinson, from 16 Strong to 21 Boardman.
Atkinson Common, junction of High st. and Moseley ave.
Atwood, from 27 Federal to 44 Lime.
Auburn, from opposite 146 High to Low.
Bartlett's hill, from High, near the river.
Bartlett Mall, High street, from Pond to Auburn.
Beck, from 17 Federal to 30 Lime.
Belleville Cemetery, junction Wesley st. and West Newbury road.
Berry, from 6 Titcomb to 5 Market.
Birch, from 26 Market to 23 Winter.
Boardman, from opposite 140 Merrimac to 190 High.
Boylston, from 140 State to Hill.
Bridge (North), from Merrimac near Essex Merrimac bridge, to High.
Broad, from 169 Merrimac to 244 High.
Bromfield, from 130 Water to 42 High.
Bromfield Court, from 57 Bromfield.
Brown, from Wills' lane to State.
Brown Square, from Green to Titcomb.
Buck, from 7 Congress to 208 High.
Butler's Court, from 241 Merrimac.

- Caldwell's Court, from 135 Merrimac.
California, from 207 Merrimac to Walnut.
Carey's Avenue, from 175 High to Vernon.
Carter, from 161 Merrimac to 238 High.
Centre, from 28 Water to 17 Middle.
Chapel, from 270 High to Howard.
Charles, from 98 Water to 7 Purchase.
Charter, from 63 State to 36 Fair.
Chase's Court from 158 Water.
Cherry, from Highland place to Parker, near B. & M. R. R.
Chestnut, from 47 Bromfield to 36 Marlboro'.
Coffin's Court, from 41 High.
Congress, from 24 Olive to opposite 22 Kent.
Court, from 9 Washington to 140 High.
Currier's Court, from 23 Kent.
Curson's Mill Road, from 10 Wesley to Curson's Mills, near Artichoke bridge.
Cushing Avenue, from Atkinson Common to Kelley.
Cutter's Court, from 32 Warren to 31 Carter.
Dalton, from Greenleaf to Hill.
Dove, from 149 Merrimac to 6 Munroe.
Eagle, from opposite 43 Kent to Carter.
Eastern Railroad Avenue, from 36 Washington.
Elbow Lane, from 2 Water to 17 Liberty.
Elm, from 127 Merrimac to Plum.
Essex, from 41 State to 28 Fair.
Fair, from 40 Water to 19 Prospect.
Federal, from 70 Water to 78 High.
Ferry, see High.
Forrester, from 287 Merrimac to 280 High.
Forrester Court, from Forrester.
Frank, from Toppan, near Low.
Franklin, from 108 Water, crossing Purchase st., at No. 17.
Fruit, from 24 Prospect to 92 High.
Fulton, from Greenleaf near B. & M. railroad.
Goodwin's Avenue, from 224 Water to Union.
Green, from 43 Merrimac to 134 High.
Greenleaf, from 132 State to Auburn.
Griffin's Court, from 22 Warren to 19 Carter.
Hale, from Toppan, opp. Turkey Hill avenue to Newbury.

Hale's Court, from 37 Pleasant to Prince place.
 Hancock, from 41 Bromfield to 32 Marlboro'.
 Harris, from 98 State to 37 Green.
 Harrison, from 158 Water to 42 Purchase.
 High, from Oldtown bridge in Newbury, to Amesbury Ferry.
 Highland Place, from Hill to Cherry.
 Hill, from Pond to Parker near Eastern railroad.
 Howard, from 22 Woodland to Oakland.
 Hoyt's Lane, from Wesley (Sawyer's Hill) to Mill road.
 Independent, from 46 Water to 43 Middle.
 Inn, from 46 Market square to 14 Pleasant.
 Jackson, from 17 Woodland to Oakland.
 Jefferson, from Merrimac river to 324 Merrimac, thence to 308 High.
 Jefferson Court, from 2 Jefferson.
 Johnson, from 207 High to Low.
 Kelley, from Mosley Avenue to Merrimac.
 Kent from 141 Merrimac to 224 High.
 LaFayette Place, from 46 Warren to Carter.
 Lancy's Court, from 10 Jefferson.
 Liberty, from 23 Market square to 22 Federal.
 Lime, from 94 Water to 60 High.
 Low, from the junction of Auburn and Pond to Wesley.
 Lunt, from 11 Hancock to 40 Purchase.
 Madison, from 178 Water to 29 Hancock.
 Maple, from Forrester to Chapel.
 Market, from 75 Merrimac to 152 High.
 Market Square, between State, Merrimac and Water.
 Marlborough, from 194 Water to 20 High.
 Mechanics' Court, from 116 Merrimac.
 Merrill, from 133 Merrimac to 8 Congress.
 Merrimac, from Market Square to Essex Merrimac Bridge.
 Merrimac Court, from 264 Merrimac to the river.
 Middle, from 5 State to 34 Federal.
 Milk, from 35 Federal to 34 Bromfield.
 Mill Road, from High near Bartlett's hill to Curson's mills.
 Monroe, from 32 Kent to 33 Oakland.
 Moseley Avenue, from the junction of High, Ferry and Wesley, to
 Merrimac, near Essex Merrimac bridge.
 Moulton, from Moseley avenue to Merrimac.
 Neptune, from 170 Water to 55 Purchase.

- New, from Moseley Avenue to Merrimac.
New Bridge, from 114 Merrimac to the bridge.
North Atkinson, from 285 High to Low.
North Bridge, from High to Chain bridge.
Oak, from 37 Marlborough.
Oakland, from 199 Merrimac to 256 High.
Ocean, from Warren to Carter.
Ocean Avenue, from Water, near Plum Island turnpike, to Oldtown
Green at Newbury.
Olive, from 123 Merrimac to 256 High.
Orange, from 47 Fair to 60 Federal.
Papanti's Court, from 31 Ocean.
Park, from 3 Harris to 124 High.
Parker, from 1 High to 165 State, thence to the boundary of the
city.
Parsons, from 72 Prospect to 54 High.
Pasture, from Low to Parker.
Pike, from 36 Water to 31 Liberty.
Pine, from 25 Marlborough.
Pleasant, from 58 State to 27 Green.
Plum, from 12 Olive to 13 Elm.
Pond, from junction of High and State to junction of Auburn and
Low.
Prince Place, from 88 State to Hale's court.
Prospect, from 87 State to Bromfield.
Purchase, from 43 Lime to 22 Marlborough.
Railroad, from Auburn to Eastern railroad.
Russia, from 20 Olive to opposite 20 Kent.
Salem, from 104 Water to 13 Purchase.
School, from 27 Federal to 40 Lime.
Ship, from 78 Water to 7 Beck.
Smith's Court, from 88 Water.
South Green, see Ocean Avenue.
South Pond, from 51 Marlborough.
Spring, from 39 Fair to 52 Federal.
Spring Lane, from High to Bartlett's springs.
Star Alley, from High to Vernon.
State, from Market square to the boundary of the city.
Strong, from 79 Merrimac to 40 Washington.
Summer, from 81 Merrimac to 156 High.

- Temple, from 77 State to 64 Federal.
Titcomb, from 69 Merrimac to 10 Washington.
Titcomb Place, from 105 State.
Toppan, from opposite 244 High.
Tracy Place, from opposite 17 Pleasant.
Tremont, from 30 Prospect to 86 High.
Turkey Hill, from Wesley, near Artichoke bridge.
Turkey Hill Avenue, from Wesley to Toppan, opp. Hale.
Tyng, from 179 Merrimac to 250 High.
Unicorn, from 21 Merrimac to 34 Pleasant.
Union, from 7 Marlboro' to 530 Water.
Union Place, from 274 Merrimac to Merrimac river.
Vernon, from 10 Auburn to 175 High.
Walnut, from 10 Oakland to Woodland.
Warren, from 155 Merrimac to Eagle.
Washington, from 32 Green to Kent, opposite Ocean.
Water, from Market Square to Plumb-Island turnpike.
Wesley, from 335 High to Artichoke bridge.
Williams Court, from 103 Merrimac.
Willow Avenue, from 274 High to Maple.
Wills' Lane, from Brown to High.
Winter, from 93 Merrimac to 160 High.
Woodland, from Merrimac river to 223 Merrimac, thence to
266 High.
Woodwell's Avenue, from 208 Water to 13 Union

TABULAR STATEMENT OF THE CITY, COUNTY, AND STATE TAXES,

And rate of taxation per \$1000; also, the number of polls from 1851 to 1880, inclusive.

Year.	Number of Polls.	Valuation of Real Estate.	Valuation of Personal Estate.	Total Valuation.	Amount of City Tax.*	Amount of State Tax	Amount of County Tax	Total Tax.	Taxation per \$1000.00
1851...	2517	2,596,400	2,880,200	5,476,600	33,597.98	5,227.76	38,825.74	6.40
1852...	2827	4,764,800	2,796,700	5,561,500	43,504.74	5,227.76	48,732.50	8.00
1853...	2997	2,902,100	2,931,500	5,833,600	40,232.74	2,787	5,227.76	48,257.59	7.50
1854...	2770	3,302,500	3,483,000	6,785,500	41,434.50	2,787	7,432.00	51,653.50	7.00
1855...	2977	3,449,100	3,554,000	7,003,100	48,877.80	4,180½	7,432.00	60,590.30	8.00
1856...	2972	3,453,570	3,762,700	7,216,200	50,931.70	5,574	9,290.00	65,795.70	8.50
1857...	2705	3,424,200	3,633,600	7,027,800	49,656.70	8,361	9,290.00	67,307.80	9.00
1858...	2708	3,287,100	3,529,300	6,816,400	48,582.63	3,344	7,560.21	59,486.84	8.00
1859...	2529	3,212,700	3,630,000	6,842,700	58,741.88	2,790	8,505.24	70,037.12	9.60
1860...	2412	3,200,800	3,544,800	6,745,600	61,654.80	2,327	8,694.24	72,674.04	10.20
1861...	2430	3,150,600	3,447,500	6,608,100	60,521.79	2,346	9,369.85	72,237.74	10.40
1862...	2462	3,056,000	3,163,450	6,219,450	62,648.67	14,076	7,808.29	84,532.96	12.80
1863...	2348	3,048,700	3,395,000	6,443,700	68,337.11	18,768	7,808.29	94,913.40	14.00
1864...	2528	3,268,700	3,425,000	6,693,700	72,193.84	18,768	7,805.96	98,767.80	14.00
1865...	3000	3,349,200	4,032,800	7,382,000	90,336.05	36,660	8,188.95	135,195.00	17.50
1866...	3126	3,379,700	3,834,500	7,214,200	129,768.35	23,400	8,188.95	161,357.30	21.50
1877...	2893	3,906,600	4,054,100	7,960,700	116,173.30	39,000	9,826.70	165,000.00	20.00
1868...	3388	3,743,800	3,479,800	7,223,600	110,160.78	15,600	9,417.30	135,195.08	17.80
1869...	3242	3,858,000	3,569,700	7,427,700	11,950.267	19,500	8,188.96	144,639.22	18.67

*The assessors' overlays are included in these amounts.

TABULAR STATEMENT.—CONTINUED.

Year.	Number of Polls.	Valuation of		Valuation of Personal Estate.	Total Valuation.	Amount of City Tax.*	Amount of State Tax	Amount of County Tax	Total Tax.	Taxation per \$1000.00.
		Real Estate.	Estate.							
1870...	2907	4,018,701	3,682,545	7,701,246	127,431.72	19,500	9,826.70	156,758.42	19.60	
1871...	3218	4,057,500	3,034,257	7,091,757	104,051.74	19,500	9,826.70	133,378.44	17.90	
1872...	3292	4,243,950	3,068,700	7,312,650	123,154.65	11,960	8,215.90	143,330.55	18.70	
1873...	3190	4,515,400	3,057,140	7,572,540	139,188.92	13,455	8,215.90	160,859.82	20.40	
1874...	3208	4,763,700	3,120,407	7,884,107	136,038.13	11,960	8,215.90	156,214.03	19.00	
1875...	3383	4,904,075	3,140,838	8,044,913	139,443.45	11,960	8,215.90	159,619.35	19.00	
1876...	3356	4,788,450	2,937,167	7,725,617	136,042.87	7,866	6,499.50	150,408.38	18.60	
1877...	3223	4,832,700	2,812,284	7,644,984	115,911.24	6,555	6,499.50	128,965.74	16.00	
1878...	3408	4,799,250	2,778,962	7,578,212	123,383.30	4,370	7,892.30	135,645.60	17.00	
1879...	3299	4,766,700	2,642,888	7,409,588	111,070.40	2,185	7,135.54	120,390.94	15.50	
1880...	3384	4,815,800	2,650,877	7,466,677	109,557.63	6,555	7,135.54	123,248.17	15.60	

*The assessors' overlays are included in these amounts.

FROTHINGHAM BEQUEST
TO THE
TRUSTEES OF THE PUBLIC LIBRARY.

Since the preceding pages were prepared for publication the trustees of the public library have been notified by the executor of the will of the late Joseph A. Frothingham, esq., of this city, that the sum of one thousand dollars will be paid them in compliance with the following provision of said will:—

“I give to the trustees of the public library of Newburyport one thousand dollars, to be safely invested; the interest to be used for new and useful books for the increase of said library.”

Dated at Newburyport March 19, 1879, and approved in the probate office for Essex county, November 1, 1880.

ATKINSON COMMON.

The following extract from the will of the late Mrs. Eunice Atkinson Currier, dated at Newburyport, March 23, 1867, and proved in the probate office for Essex county, June 17, 1873, gives the conditions upon which the property now known as "Atkinson Common" was devised to the city of Newburyport:

"SEVENTH—And whereas I desire to leave some testimonial of my regard for my native place, and to have as a monument to the memory of my father, the late Matthew Atkinson, the last of whose family I am, a piece of land in the city of Newburyport, to be used as a "common," public and free to all the inhabitants of said city, and to be known forever as the Atkinson Common: therefore, upon the express condition that my wishes in regard to said common are fully carried out by the city council of Newburyport, I do give and devise to the city of Newburyport a lot of land, in field and pasture, situate in said city, between High street and Merrimac street, and between land of the late William C. Merrill, on High street, and Moses L. Chase, on Dexter street, and adjoining land of Thomas Merrill, jr., on Merrimac street, so long as the same shall be used as a common, as aforesaid; and I do also, with intentions as aforesaid, give and devise to the said city of Newburyport, so long as the same shall be used as a common, as aforesaid, another lot of land, situated on High street in said city, and nearly opposite the afore-mentioned field and pasture lots, and described as lying between land of the late Robert Dodge and land of George

Roaf; and I further will and declare with the intention of creating a common, as aforesaid, that my executor, with the advice and consent of the board of mayor and aldermen of Newburyport, may sell this last-named lot (and in this case my wish is that it first be offered at private sale to the heirs of the late Robert Dodge for a reasonable sum) and with the proceeds of said sale may purchase a lot now owned by heirs of the late William C. Merrill, on High street, and contiguous to the afore-named field and pasture lot, to be added thereto as a part of said common, or in the event said lot of said heirs of Merrill cannot be purchased at a reasonable sum, then the said proceeds, or any surplus remaining after said purchase, shall be paid to the city treasurer in trust, to be applied to the general improvement of said common. And the above devises of land to the city of Newburyport are upon the express condition that the said city council shall formally accept the same within one year after my decease, agreeing to comply with the conditions, wishes and requests herein made and expressed. It is my wish and request that no hospital, almshouse, asylum, school house, nor any building that may be offensive to the neighborhood, shall be erected on said common, and that no public street be laid out or caused to pass through the same; and, in case the city council of Newburyport shall fail to comply with all the afore-named conditions, wishes and requests, then and from that time the aforesaid lots of land shall revert to Joseph Atkinson, of Newbury, in the state of Vermont, and I give and devise the same, in that event, to him, his heirs and assigns forever."

CONTRACT WITH THE NEWBURYPORT WATER COMPANY,

For Supplying the City of Newburyport with Water.

THIS INDENTURE, made and concluded this seventeenth day of August, A. D. 1880, by and between the Newburyport Water Company, a corporation duly organized under the laws of the commonwealth of Massachusetts, of the one part, and the city of Newburyport, a municipal corporation existing under the laws of said commonwealth, of the other part:

Witnesseth, That whereas said water company, the party of the first part, proposes to construct works and lay pipes for the introduction of water into said city (the party of the second part) for fire and other purposes; and whereas the party of the second part is desirous that its citizens should have the best possible protection against fire;

NOW KNOW ALL MEN BY THESE PRESENTS, That said water company, the party of the first part, agrees with said city, the party of the second part, as follows, namely:

First, That it will furnish said city water as hereinafter provided, unless sooner terminated by the purchase of its property by said party of the second part in accordance with section eleven of chapter 235 of the acts of 1880.

Second, That it will lay and maintain a system of pipes in said Newburyport, substantially in accordance with the plan marked "A, 1880," deposited in the City hall in said Newburyport; that the source of supply and size and quality of the pipes to be used shall be approved by the board of water commissioners of said city, as provided in said act; that it will furnish and set one hundred and twenty-five double-nozzle fire hydrants at points indicated on said plan, and at any time or times, on request of the city council of Newburyport, will furnish and set additional hydrants at points indicated by said party of the second part and at the expense of said party of the first part, provided that the whole number of hydrants shall not exceed one hundred and fifty; that it will at all times maintain a head of water not less than one hundred and twenty-five feet above tide water, and will furnish and maintain a full supply of water for fire purposes during the existence of this contract.

And in consideration of the above, the party of the second part agrees to pay therefor to the party of the first part the sum of six thousand dollars in each and every year during the existence of this contract, payable in half-yearly payments in January and July. And it is agreed that said term of twenty years shall begin at such time as said company shall have so far completed its works as to be able to comply with the terms of this contract and shall notify said city that it is ready to furnish said water, and that said date shall not be later than the first day of January, A. D. 1882.

And it is further agreed that said company will save the city harmless from all damage arising from the default of said company while constructing said works or in the operation of the same.

Provided, however, that this contract shall be of no force and effect until the same has been assented to by said city* by a majority vote of the voters present and voting thereon at a legal meeting called for that purpose, as provided in section eight of the forementioned act.

In witness whereof, the said city of Newburyport, by JOHN JAMES CURRIER, its mayor, thereto duly authorized, and the Newburyport Water Company, by G. NORMAN WEAVER, its treasurer, thereto duly authorized, have caused these presents to be subscribed in their names and behalf, and the said company has caused the same to be countersigned by JOSEPH B. MORSS, its president, this day and year above written.

G. NORMAN WEAVER, TREASURER.

JOSEPH B. MORSS, PRESIDENT.

JOHN J. CURRIER, Mayor of the city of Newburyport.

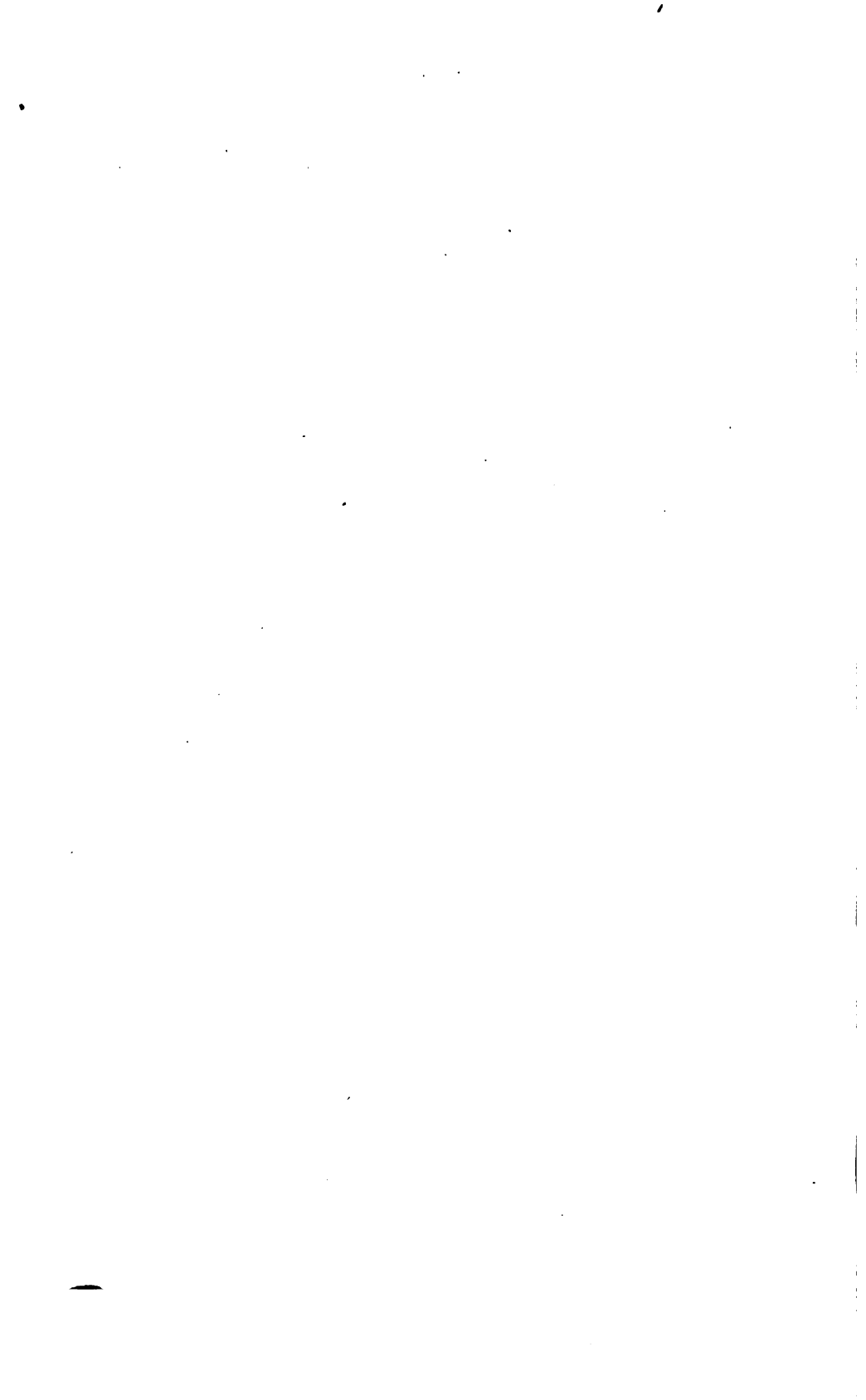
*Accepted by the legal voters of the city of Newburyport August 30, 1880.

CATALOGUE

OF THE

MEMBERS OF THE CITY GOVERNMENT,

From 1851 to 1880 inclusive.



MAYOR—CALEB CUSHING.

ALDERMEN,

Ward 1.—THOMAS HUSE,*	Ward 4.—NATHANIEL HORTON,
“ 2.—JOHN PORTER,*	“ 5.—JOHN M. COOPER,*
“ 3.—MOSES DAVENPORT,*	“ 6.—JOSEPH ROBERTS.*

COMMON COUNCIL,

President—EBEN F. STONE.	Clerk—EDWARD BURRILL.
Ward 1.—John Woodwell,*	Ward 4.—Eben F. Stone,
George W. Knight,	Philip K. Hills,
Zacheus P. Thurlow.	William C. Balch.
Ward 2.—Philip Johnson,*	Ward 5.—Jacob Horton,*
Frederick Knight,*	Jacob Hale,*
Jacob Stone.*	Albert Russell.
Ward 3.—Isaac H. Boardman,	Ward 6.—John Currier, jr.,
Charles J. Brockway,	John Colby,*
Moses Hale.*	Joseph Newell.

City Clerk—Eleazer Johnson.* City Mess'ger—David E. Cutter.*

Treasurer and Collector—Jonathan Coolidge.*

SCHOOL COMMITTEE.

Ward 1.—George J. Colby,	Ward 4.—Daniel P. Pike,
Hervey Kimball,	J. H. Sawyer.*
Ward 2.—William Graves,*	Ward 5.—H. W. Kinsman,*
Mark Symons.*	Edwin Lawrence.*
Ward 3.—Randolph Campbell,	Ward 6.—H. Merrill, jr.,
Newman Brown.*	A. L. Merrill.

Eleazer Johnson,*	} Overseers of the Poor.	Eleazer Johnson,*	} Assessors.
Joseph Morse,*		Daniel Granger,	
Daniel P. Pike,		John Stone,	

Chief Engineer, . . . Nathaniel Hunt.*

ASSISTANT ENGINEERS.

Edward Burrill,	Philip K. Hills,	Moses M. Ross,
Simon Jordan,*	Thomas H. Lord,*	Edmund Bartlett, jr.,
Charles R. Sargent,	George Fitz,	N. C. Greenough,*
Joseph S. Bayley,	Hiram Canney,	Joseph Pickett.

City Marshal—James Cary.

CONSTABLES.

James Cary,	Stevens Dockham,*	John Akerman,*
David E. Cutter,*	David F. Brown,*	Samuel Caswell.

*Deceased.

MAYOR—CALEB CUSHING.†*
 “ HENRY JOHNSON.‡*

ALDERMEN,

Ward 1.—THOMAS HUSE.* Ward 4.—NATHANIEL HORTON.*
 “ 2.—PHILIP JOHNSON.* “ 5.—JOHN M. COOPER.*
 “ 3.—MOSES DAVENPORT,* “ 6. JOSEPH ROBERTS.‡*
 Ward 6.—JOHN CURRIER, JR.‡

COMMON COUNCIL.

President—PHILIP K. HILLS. Clerk—EDWARD BURRILL.
 Ward 1.—John Woodwell,* Ward 4.—Philip K. Hills.
 George W. Knight. William C. Balch.
 Edward Kimball. Eben F. Stone.
 Ward 2.—Edmund Pike.* Ward 5.—George W. Hill.*
 Mark Symons.* Silas E. Sherman.
 Rufus Smith.* Enoch G. Currier.
 Ward 3.—Isaac H. Boardman. Ward 6.—John Currier, jr.†
 Moses Hale,* Geo. W. Jackman, jr..
 Samuel T. Payson. John Colby.*
 James L. Townsend.
 City Clerk—Eleazer Johnson.* City Mess'ger—David E. Cutter.*

Treasurer and Collector—Daniel Granger.*

SCHOOL COMMITTEE.

Ward 1.—William Gordon, Ward 4.—Daniel P. Pike.
 Hervey Kimball. Jere. H. Sawyer.*
 Ward 2.—William Graves.* Ward 5.—Benjamin I. Lane.*
 Mark Symons.* H. W. Kinsman.*
 Ward 3.—Randolph Campbell. Ward 6.—E. P. Grosvenor,*
 William W. Eells.‡ Henry Merrill, jr.,

OVERSEERS OF THE POOR.

Charles H. Ireland, Daniel Colman,* Henry Stover.
 William Pritchard,* Daniel P. Pike, John Colby.*

ASSESSORS.

Newman Brown,* William E. Currier, Moses Pettingell.*

Chief Engineer, Nathaniel Hunt.*

ASSISTANT ENGINEERS.

Edward Burrill, Thomas H. Lord,* Moses M. Ross,
 Simon Jordan,* George Fitz, Edmund Bartlett, jr.,

City Marshal—James Cary.

CONSTABLES.

James Cary, John Akerman,* David F. Brown.*
 David E. Cutter,* Aaron P. Sargent,*

*Deceased.

†Resigned.

‡Elected to fill vacancy.

§Deceased August 12, 1852.

MAYOR—HENRY JOHNSON.***ALDERMEN,**

Ward 1.—MOSES PETTINGELL,* Ward 4.—ISAAC H. BOARDMAN.
 “ 2.—PHILIP JOHNSON,* “ 5.—JOHN M. COOPER,
 “ 3.—MOSES DAVENPORT,* “ 6.—EDWARD TOPPAN.

COMMON COUNCIL.

President—PHILIP K. HILLS. Clerk—EDWARD BURRILL.

Ward 1.—David T. Woodwell, Ward 4.—Philip K. Hills,
 Samuel Pettingell, jr.,* Eleazer R. Walker,*
 Nathaniel W. Hurd,* Nehemiah Flanders,
 Ward 2.—Nathan Poor,* Ward 5.—Enoch G. Currier,
 Edmund Bartlett, jr., George W. Hill,*
 John H. Smith. Robert Robinson.*
 Ward 3.—Samuel T. Payson, Ward 6. Joshua Hale,
 Moses Hale,* John M. Tukesbury,
 Robert Robinson, 3d. William Goodwin.

City Clerk—Eleazer Johnson.* City Mess'ger—David E. Cutter.*

Treasurer and Collector—Daniel Granger.

SCHOOL COMMITTEE.

Ward 1.—Matthew Marriam, Ward 4.—Samuel J. Spalding,
 George J. L. Colby. Alpheus Crosby.
 Ward 2.—Mark Symons,* Ward 5.—Henry W. Kinsman,*
 Jacob Haskell.* Benjamin I. Lane.
 Ward 3.—William W. Eels, Ward 6.—E. P. Grosvenor,*
 Daniel M. Read. Henry Merrill, jr.

OVERSEERS OF THE POOR.

Charles H. Ireland, Daniel Colman,* Isaac Pearson,*
 Charles Currier, Henry Stover, John Colby.*

ASSESSORS.

Newman Brown,* William E. Currier, Tristram Coffin, jr.

Chief Engineer—Nathaniel Hunt.*

ASSISTANT ENGINEERS.

Edward Burrill, Moses M. Ross, Simon Jordan,*
 Edmund Bartlett, jr., Thomas H. Lord,* Geo. W. Jackman, jr.

City Marshal—David F. Brown.*

CONSTABLES.

David F. Brown,* James Cary, John Akerman,*
 David E. Cutter,* Samuel Caswell.

*Deceased.

MAYOR—MOSES DAVENPORT.*

ALDERMEN,

Ward 1.—DAVID T. WOODWELL, Ward 4.—FREDERICK J. COFFIN,*
 “ 2.—WILLIAM GRAVES,* “ 5.—JABEZ L. PEARSON,*
 “ 3.—SAMUEL T. PAYSON, “ 6.—GEO. W. JACKMAN, JR.

COMMON COUNCIL.

President—MOSES HALE.* Clerk—JACOB HASKELL.*
 Ward 1.—George J. L. Colby, Ward 4.—Nehemiah Flanders,
 Charles W. Hale, William H. Brewster,*
 Charles Lunt. Samuel S. Blake.
 Ward 2.—John H. Smith, Ward 5.—William H. Huse,
 George W. Hale, Edward Burrill,
 William Pritchard.* Henry Bartlett.*
 Ward 3.—Moses Hale.* Ward 6.—Emery Coffin,
 Jeremiah R. Ireland, Solomon P. Felker,*
 Daniel S. Blake. William Merrill.

City Clerk—Eleazer Johnson.* City Mess'ger—David E. Cutter.*

Treasurer and Collector—Daniel Granger.*

SCHOOL COMMITTEE.

Ward 1.—Burtus Judd, Ward 4.—Alpheus Crosby,
 Major Goodwin.* Daniel P. Pike.
 Ward 2.—Nathaniel Hills.* Ward 5.—Henry W. Kinsman,*
 William E. Currier. Daniel M. Read.
 Ward 3.—Joseph H. Bragdon,* Ward 6.—E. P. Grosvenor,*
 Edward H. Holland.* Henry Merrill, jr.

OVERSEERS OF THE POOR.

John Woodwell,* David Currier,* Isaac Pearson,*
 Charles Currier,* Henry Stover, John Colby.*

ASSESSORS.

William E. Currier, Wm. C. Williams,* William Hale.*

Chief Engineer—Moses M. Ross.

ASSISTANT ENGINEERS.

Charles W. Hale, Norman C. Greenough,* Edward Burrill,
 Thomas H. Lord,* John B. Seward, G. W. Jackman, jr.

City Marshal—David F. Brown.*

CONSTABLES.

James Cary, John Akerman,* Aaron P. Sargent.*

*Deceased.

MAYOR—MOSES DAVENPORT.*

ALDERMEN,

- Ward 1.—NATHANIEL GREELEY, Ward 4.—FRED'K J. COFFIN,*
 “ 2.—WILLIAM PRITCHARD,* “ 5.—ENOCH G. CURRIER,
 “ 3.—SAMUEL T. PAYSON, “ 6.—THOMAS ATWOOD.*

COMMON COUNCIL.

President—CHARLES W. HALE. Clerk, JACOB HASKELL.*

- | | |
|--|---|
| Ward 1.—Charles W. Hale,
Lorenzo D Ross,*
Moody Kimball.* | Ward 4.—William H. Brewster,*
Nehemiah Flanders,
Philip K. Hills. |
| Ward 2.—George W. Hale,
Thomas H. Lord,*
John S. Gilman.* | Ward 5.—Robert Robinson, 3d,
Daniel H. Cutter,
Charles Pearson. |
| Ward 3.—Benjamin Davis, jr.,*
William Cushing,*
John B. Pritchard. | Ward 6.—John F. Lee,
Ebenezer Whitmore,
Joseph G. Flanders. |

City Clerk—Eleazer Johnson.* City Mess'ger—David E. Cutter.*

Treasurer and Collector—Daniel Granger.*

SCHOOL COMMITTEE.

- | | |
|--|--|
| Ward 1.—Philip D. Adams,
William Collins, jr. | Ward 4.—William C. Balch,
Samuel J. Spalding. |
| Ward 2.—Nathaniel Hills,*
Geo. W. Campbell.* | Ward 5.—John Pearson, jr.,
M. Otis Hall. |
| Ward 3.—Newman Brown,*
George W. Geary.* | Ward 6.—Stephen Badger, jr.
Jere. H. Sawyer. |

OVERSEERS OF THE POOR.

- | | | |
|--------------------------------------|------------------------------------|-------------------------------------|
| Isaac P. Noyes,
Charles Currier,* | Sam. H. Rundlett,
Henry Stover, | Isaac Pearson,*
Daniel L. Morse. |
|--------------------------------------|------------------------------------|-------------------------------------|

ASSESSORS.

- | | | |
|--------------------|--------------|---------------------|
| Moses Pettingell,* | John Colby,* | William E. Currier. |
|--------------------|--------------|---------------------|

Chief Engineer—Moses M. Ross.

ASSISTANT ENGINEERS.

- | | | |
|----------------------|-------------------|------------------|
| Thomas H. Lord,* | N. C. Greenough,* | Charles W. Hale, |
| Geo. W. Jackman, jr. | Samuel T. Brown, | John B. Seward. |

City Marshal—David F. Brown.*

CONSTABLES.

- | | |
|------------------|----------------|
| David F. Brown,* | John Akerman.* |
|------------------|----------------|

*Deceased.

MAYOR—WILLIAM CUSHING.***ALDERMEN.**

Ward 1.—NATHANIEL GREELEY. Ward 4.—PHILIP K. HILLS.
 “ 2.—WILLIAM GRAVES.* “ 5.—ENOCH S. WILLIAMS.*
 “ 3.—BENJAMIN DAVIS, JR.* “ 6.—THOMAS ATWOOD.*

COMMON COUNCIL.

President—CHARLES W. HALE. Clerk—JACOB HASKELL.*
 Ward 1.—Charles W. Hale, Ward 4.—Harrison G. Johnson,
 Geo. J. L. Colby, John M. Smith,*
 Nathaniel W. Hurd.* William Thurston.
 Ward 2.—John S. Gilman,* Ward 5.—Samuel F. Towle,
 Greenleaf Dodge, Edward Burrill,
 Thomas H Lord,* John T. Page.*
 Ralph C. Huse.†
 Ward 3.—John B. Pritchard, Ward 6.—Winthrop O. Evans,
 Charles W. Davenport. Joseph G. Flanders,
 William H. Swasey. Solomon P. Felker.*

City Clerk—Eleazer Johnson.* City Mess'ger—David E. Cutter.*

Treasurer and Collector—Daniel Granger.

SCHOOL COMMITTEE.

Ward 1.—William Collins, jr., Ward 4.—William C. Balch,
 Charles C. Dame. Samuel J. Spalding.
 Ward 2.—William E. Currier, Ward 5.—John Pearson, jr.,
 Randolph Campbell. Henry B. Fernald.
 Ward 3.—Newman Brown,* Ward 6.—Moses Stevens,*
 Warren Currier. James P. Rousseau.*

OVERSEERS OF THE POOR.

Isaac P. Noyes, David Currier,* Isaac Pearson,*
 Charles Currier,* Richard Fowler, Daniel L. Morse.

ASSESSORS.

William E. Currier, Daniel Granger,* Richard Fowler.

Chief Engineer—Moses M. Ross.

ASSISTANT ENGINEERS.

Thomas H. Lord,* Charles W. Hale, John B. Seward,
 Geo. W. Jackman, jr., N. C. Greenough,* Samuel T. Brown.

City Marshal—David F. Brown.*

CONSTABLES.

John Akerman,* Aaron P. Sargent,* D. C. Batchelder.

*Deceased.

†Elected to fill vacancy occasioned by the death of J. S. Gilman.

MAYOR—WILLIAM CUSHING.*

ALDERMEN.

Ward 1.—CHARLES W. HALE, Ward 4.—PHILIP K. HILLS,
 “ 2.—WILLIAM GRAVES.* “ 5.—ENOCH S. WILLIAMS,*
 “ 3.—BENJAMIN DAVIS, JR.* “ 6.—MOSES STEVENS.*

COMMON COUNCIL.

President—EDWARD BURRILL. Clerk—JACOB HASKELL.*

Ward 1.—Lorenzo D. Ross,* Ward 4.—Harrison G. Johnson,
 David T. Woodwell, George W. Hill,*
 Moses M. Merrill. Thomas Pearson.
 Ward 2.—Greenleaf Dodge, Ward 5.—John Bailey, jr.,*
 Ralph C. Huse,* John T. Page,*
 Edward W. Lunt. Edward Burrill.
 Ward 3.—Henry C. Perkins,* Ward 6.—Winthrop O. Evans,
 Charles W. Davenport, Moses A. Currier,
 William H. Swasey. Moses Sargent.*

City Clerk—Eleazer Johnson.* City Mess'ger—David E. Cutter.*

Treasurer and Collector—Daniel Granger.*

SCHOOL COMMITTEE.

Ward 1.—William Collins, jr., Ward 4.—Samuel J. Spalding,
 Moody D. Cook. Daniel S. Blake.
 Ward 2.—William E. Currier, Ward 5.—John Pearson, jr.,
 Richard Plumer. Edward S. Moseley.
 Ward 3.—Warren Currier, Ward 6.—Daniel T. Fiske,
 M. Otis Hall. Moses Stevens.*

OVERSEERS OF THE POOR.

Isaac P. Noyes, David Currier,* John Teel,*
 Edmund Pike,* Richard Fowler, Daniel L. Morse.

ASSESSORS.

William E. Currier, Daniel Granger,* Nathaniel Greeley.

Chief Engineer—Moses M. Ross.

ASSISTANT ENGINEERS.

Geo. W. Jackman, jr., Thomas H. Lord,* Samuel T. Brown,
 N. C. Greenough,* Charles W. Hale, John B. Seward.

City Marshal—James P. L. Westcott.

CONSTABLES.

John Akerman,* D. C. Batchelder, Nehemiah Flanders.

*Deceased.

MAYOR—WILLIAM CUSHING.*

ALDERMEN.

Ward 1.—DAVID T. WOODWELL, Ward 4.—PHILIP K. HILLS,
 “ 2.—WILLIAM GRAVES,* “ 3.—SAMUEL F. TOWLE,
 “ 3.—BENJAMIN DAVIS, JR.,* “ 6.—THOMAS ATWOOD.*

COMMON COUNCIL.

President—HENRY C. PERKINS,* Clerk—JOSEPH H. BRAGDON.*

Ward 1.—Lorenzo D. Ross,* Ward 4.—John N. Pike,
 Moses M. Merrill, Isaac P. Seavey,*
 Philip H. Richardson.* Samuel S. Blake.
 Ward 2.—Ralph C. Huse,* Ward 5.—John H. Page,
 Greenleaf Dodge, Daniel H. Cutter,
 Edward W. Lunt, William Coffin.*
 Ward 3.—William H. Swasey, Ward 6.—Winthrop O. Evans,
 Henry C. Perkins,* Samuel C. Currier,
 Charles W. Davenport. William J. Currier.

City Clerk—Eleazer Johnson.* City Mess'ger—David E. Cutter.*

Treasurer and Collector—Daniel Granger.

SCHOOL COMMITTEE.

Ward 1.—William Collins, jr., Ward 4.—William Horton,*
 Moody D. Cook. Enoch Cross.
 Ward 2.—William E. Currier, Ward 5.—Edward S. Moseley,
 Richard Plumer, John Pearson, jr..
 Ward 3.—Warren Currier, Ward 6.—Daniel T. Fiske,
 Benjamin R. Knapp.* Hiram Tozer.

OVERSEERS OF THE POOR.

Thomas H. Gould, David Currier,* John Teel,*
 Edmund Pike,* Henry Stover, William Merrill, jr.,

ASSESSORS.

Nathaniel Greeley, Pottle Richardson,* John Huse.

Chief Engineer—Moses M. Ross.

ASSISTANT ENGINEERS.

N. C. Greenough,* Chas. W. Hinckley,* Samuel T. Brown,
 Charles W. Hale, Edward Burrill, John P. McQuillen.

City Marshal—J. P. L. Westcott.

CONSTABLES.

J. P. L. Westcott, D. C. Batchelder, Nehemiah Flanders,
 John Akerman.*

*Deceased.

MAYOR—ALBERT CURRIER.

ALDERMEN.

Ward 1.—MOODY D. COOK, Ward 4.—FRED'K J. COFFIN,*
 " 2.—RALPH C. HUSE,* " 5.—EDWARD BURRILL,
 " 3.—C. W. DAVENPORT, " 6.—G. W. JACKMAN, JR.,

COMMON COUNCIL.

President—HENRY C. PERKINS.* Clerk—JOSEPH H. BRAGDON.*
 Ward 1.—Philip H. Richardson,* Ward 4.—John N. Pike,
 Isaac Hale, jr.,* Isaac P. Seavey,*
 Charles C. Dame. William J. Creasey.
 Ward 2.—Moody Lunt, Ward 5.—William H. Huse,
 Isaac P. Noyes, John T. Page,*
 Hiram P. Macintosh. Daniel H. Cutter.
 Ward 3.—George J. George, Ward 6.—John A. True,
 Henry C. Perkins,* John D. Pike,
 William A. Davis. William J. Currier.

City Clerk—Eleazer Johnson.* City Mess'ger—David E. Cutter.*

Treasurer and Collector—Daniel Granger.*

SCHOOL COMMITTEE.

Ward 1.—Henry Parmenter, Ward 4.—Samuel J. Spalding,
 Matthew Merriam. John Q. A. Stone.
 Ward 2.—Richard Plumer, Ward 5.—Edward S. Moseley,
 Nathaniel Pierce. David Wood.
 Ward 3.—Warren Currier, Ward 6.—Francis A. Howe,
 Benj. R. Knapp.* Henry Merrill, jr.

OVERSEERS OF THE POOR.

William S. Evans,* David Currier,* John Teel,*
 Nathaniel Hunt,* Henry Stover, Thomas Merrill, jr.

ASSESSORS.

Nathaniel Greeley, Pottle Richardson,* John Huse.

Chief Engineer—Moses M. Ross.

ASSISTANT ENGINEERS.

N. C. Greenough,* John B. Pritchard, Eben P. Cutter,
 Charles H. Goodwin, John P. McQuillen, Isaac Poor.

City Marshal—James P. L. Westcott.

CONSTABLES.

J. P. L. Westcott, D. C. Batchelder, Nehemiah Flanders,
 John Akerman,* David E. Cutter,* William F. Welch.

*Deceased.

MAYOR—ALBERT CURRIER.

ALDERMEN.

Ward 1.—ISAAC HALE, JR.,* Ward 4.—DANIEL P. PIKE,
 “ 2.—NATH’L W. HURD,* “ 5.—EDWARD BURRILL,
 “ 3.—CHAS. W. DAVENPORT. “ 6.—G. W. JACKMAN, JR.,

COMMON COUNCIL.

President—CHAS. O. MORSE. Clerk—JOSEPH H. BRAGDON.*
 Ward 1.—Charles C. Dame, Ward 4.—George J. L. Colby,†
 Hiram Janvrin, William J. Creasey,
 Charles H. Goodwin. Albert W. Bartlett,*
 Charles M. Hodge.‡
 Ward 2.—Moody Lunt, Ward 5.—William H. Huse,
 Joseph G. Gerrish, John T. Page,*
 Richard Plumer. Augustus Pearson.*
 Ward 3.—Charles O. Morse, Ward 6.—John J. Currier,
 William A. Davis, Albert S. Pettigrew,
 George J. Ross. John P. McQuillen.

City Clerk—Eleazer Johnson.* City Mess’ger—David E. Cutter.*

Treasurer and Collector—Daniel Granger.*

SCHOOL COMMITTEE.

Ward 1.—Benaiah G. Gerrish, Ward 4.—William Thurston,
 Franklin Furber. William Horton.*
 Ward 2.—Nathaniel Pierce, Ward 5.—Edward S. Moseley,
 William E. Currier. Nathan A. Moulton.
 Ward 3.—Artemas B. Muzzey, Ward 6.—Francis A. Howe,
 M. Otis Hall. Joseph V. Jackman.

OVERSEERS OF THE POOR.

Geo. W. Woodwell, David Currier,* John Teel,*
 Nathaniel Hunt,* Henry Stover, Thomas Merrill, jr.,

ASSESSORS.

Amos Wood,* Enoch G. Currier, Moses H. Fowler.

Chief Engineer—John B. Pritchard.

ASSISTANT ENGINEERS.

Charles H. Goodwin, Eben P. Cutter, William C. Colby,*
 John P. McQuillen, Isaac Poor, Daniel H. Smith.

City Marshal—James P. L. Westcott.

CONSTABLES.

J. P. L. Westcott, Nehemiah Flanders, Wooster Smith,
 D. C. Batchelder, John Akerman,* Aaron P Sargent.*

*Deceased,

†Resigned.

‡Elected to fill vacancy.

MAYOR—GEORGE W. JACKMAN, JR.

ALDERMEN.

Ward 1.—ISAAC HALE, JR., †*	Ward 4.—HORACE HAMBLETT,*
“ “ CHARLES C. DAME, †	“ 5.—WILLIAM H. HUSE,
“ 2.—NATHANIEL PIERCE,	“ 6.—WINTHROP O. EVANS.
“ 3.—GEORGE J. GEORGE,	

COMMON COUNCIL,

President—JOHN J. CURRIER. Clerk—A. W. GREENLEAF.

Ward 1.—Charles H. Goodwin, Jacob G. Brown,* Moses Pettingell, jr.,	Ward 4.—Edwin Currier, Dana Dodge,* William P. Plummer.
Ward 2.—Joseph G. Gerrish, Ralph C. Huse.* Daniel A. W. Perkins.	Ward 5.—Thomas H. Cutter. Greenleaf Boardman,* Alexander Caldwell.
Ward 3.—Charles O. Morse, Curtis French,* William H. Johnson.	Ward 6.—John J. Currier, Eben P. Cutter, Stephen M. Pillsbury.

City Clerk—Eleazer Johnson.* City Mess'ger—David E. Cutter.*

Treasurer and Collector—Daniel Granger.*

SCHOOL COMMITTEE.

Ward 1.—Charles W. Hale, Isaac A. Bray,*	Ward 4.—James Cruickshanks, William Thurston.
Ward 2.—William E. Currier, George W. Hale.	Ward 5.—Edward S. Moseley, Nathan A. Moulton.
Ward 3.—David J. Adams, Ashbel G. Vermilye.	Ward 6.—Joshua Hale, Joseph V. Jackman.

OVERSEERS OF THE POOR.

Geo. W. Woodwell,	John Moore,*	Pottle Richardson,*
Charles Currier.*	Michael Atkinson,	Thomas Merrill.

ASSESSORS.

Nathaniel Greeley,	C. W. Davenport,	Moses H. Fowler.
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Chief Engineer—John B. Pritchard.

ASSISTANT ENGINEERS.

Isaac Poor,	William C. Colby, †*	Charles H. Currier, †
Chas. H. Goodwin,	Selwyn P. Adams, †	John A. Cooper. †
Eben P. Cutter,	William A. Davis,	

City Marshal—Wooster Smith.

CONSTABLES.

Nehemiah Flanders,	D. C. Batchelder,	David E. Cutter,*
John Akerman,*	Aaron P. Sargent,*	

*Deceased.

†Resigned.

‡Elected to fill vacancy.

MAYOR—ISAAC H. BOARDMAN.

ALDERMEN.

Ward 1.—SAMUEL PETTINGELL, Ward 4.—JOHN N. PIKE,
 “ 2.—WILLIAM GRAVES.* “ 5.—WILLIAM H. HUSE,
 “ 3.—N. C. GREENOUGH.* “ 6.—JOHN J. CURRIER.

COMMON COUNCIL.

President—MARK SYMONS.* Clerk—A. W. GREENLEAF.
 Ward 1.—Moses Pettingell jr., Ward 4.—Enoch M. Read,
 Paul G. Lunt,* Enoch Pierce,
 B. Gardner Gerrish. Charles M. Hodge.
 Ward 2.—Mark Symons,* Ward 5.—Thomas H. Cutter,
 Nicholas Varina, Greenleaf Boardman,*
 Thomas C. Goodwin.* Paul R. Pickering.
 Ward 3.—William H. Johnson, Ward 6.—John Currier, 3d.*
 John R. Stanwood, Stephen M. Pillsbury,
 Nathaniel S. Osgood. Eben B. Whitmore.

City Clerk—Eleazer Johnson.* City Mess'ger—David E. Cutter.*

Treasurer and Collector—Daniel Granger.*

SCHOOL COMMITTEE.

Ward 1.—Moody D. Cook, Ward 4.—William Thurston,
 Isaac A. Bray.* Jacob Stevens.*
 Ward 2.—William E. Currier, Ward 5.—Nathan A. Moulton,
 George W. Hale. James N. Sykes.*
 Ward 3.—David J. Adams, Ward 6.—Joseph V. Jackman,
 Ashbel G. Vermilye. Harrison G. Johnson.

OVERSEERS OF THE POOR.

Geo. W. Woodwell, John Moore,* John Teel.*
 Charles Currier,* Michael Atkinson, Thomas Merrill.

ASSESSORS.

Moses H. Fowler, William E. Currier, Thomas H. Gould.

Chief Engineer—John B. Pritchard.

ASSISTANT ENGINEERS.

Isaac Poor, Henry T. Moody,* Charles H. Currier,
 William A. Davis, John A. Cooper, Spofford McQuillen.

City Marshal—George Janvrin.

CONSTABLES.

John Akerman,* John H. Page, George Janvrin,
 Caleb H. Howard,* David E. Cutter,* William Lunt.*

*Deceased.

MAYOR—GEORGE W. JACKMAN, JR.**ALDERMEN.**

Ward 1.—SAMUEL PETTINGELL, Ward 4.—ENOCH M. READ,
 “ 2.—RALPH C. HUSE,* “ 5.—JOHN T. PAGE,*
 “ 3.—N. C. GREENOUGH,* “ 6.—JOHN J. CURRIER.

COMMON COUNCIL.

President—B. GARDNER GERRISH. Clerk—A. W. GREENLEAF.
 Ward 1.—B. Gardner Gerrish, Ward 4.—Charles M. Hodge,
 Paul G. Lunt,* Horatio N. Dennett,
 M. Pettingell, jr., William Forbes.*
 Ward 2.—Henry Cook, Ward 5.—Thomas H. Cutter,
 Moody Lunt, Greenleaf Boardman,*
 Thomas C. Goodwin.* Paul R. Pickering.
 Ward 3.—Isaac C. Clement,* Ward 6.—John Currier, 3d,
 Samuel A. Smith,* Eben B. Whitmore,
 John R. Stanwood. William Plummer.

City Clerk—Eleazer Johnson.* City Mess'ger—David E. Cutter.*

Treasurer and Collector—Daniel Granger.*

SCHOOL COMMITTEE.

Ward 1.—Moody D. Cook, Ward 4.—William Thurston,
 Isaac A. Bray.* Benjamin Y. George.
 Ward 2.—William E. Currier, Ward 5.—James N. Sykes,*
 George W. Hale. Harrison G. Johnson.
 Ward 3.—David J. Adams, Ward 6.—J. L. Newhall, jr.,*
 Warren Currier. Horace Choate.

OVERSEERS OF THE POOR.

Geo. W. Woodwell, Michael Atkinson, John Teel.*

ASSESSORS.

Moses H. Fowler, Thomas H. Gould, John Huse.

Chief Engineer—John B. Pritchard.

ASSISTANT ENGINEERS.

William A. Davis, Isaac Poor, Henry T. Moody,*
 Reuben Dade,* John A. Cooper, William H. Fitts.*

City Marshal—Nehemiah Flanders.

CONSTABLES.

William H. Fitts,* Nehemiah Flanders, John H. Page.

*Deceased.

MAYOR—GEORGE W. JACKMAN, JR.

ALDERMEN.

- | | |
|--------------------------|---------------------------|
| Ward 1.—PAUL G. LUNT,* | Ward 4.—WILLIAM C. BALCH, |
| “ 2.—WILLIAM PRITCHARD,* | “ 5.—THOMAS H. CUTTER, |
| “ 3.—WARREN CURRIER, | “ 6.—MOSES H. FOWLER, |

COMMON COUNCIL.

President—LUTHER DAME. Clerk—A. W. GREENLEAF.

- | | |
|--|--|
| Ward 1.—Luther Dame.
Rufus Adams,
Henry T. Moody.* | Ward 4.—Dana Dodge,*
H. N. Dennett,
W. P. Plummer. |
| Ward 2.—Joseph R. Burrill,
Isaac Poor,
Stephen H. Thurlow. | Ward 5.—Tristram Talbot,
John E. Bailey,
John A. Cooper. |
| Ward 3.—Isaac C. Clement,*
Samuel A. Smith,*
George W. Knight, jr. | Ward 6.—Horace N. Jackman,
Jacob T. Rowe,
Enoch Merrill. |

City Clerk—Eleazer Johnson.* City Mess'ger—David E. Cutter.*

Treasurer and Collector—Daniel Granger.*

SCHOOL COMMITTEE.

- | | |
|--|--|
| Ward 1.—Isaac P. Noyes,
Jarvis A. Ames. | Ward 4.—John H. Smith,
James W. Cheney.* |
| Ward 2.—Richard Plumer,
William E. Currier. | Ward 5.—James N. Sykes,*
Nathan A. Moulton. |
| Ward 3.—David J. Adams,
Thomas Borden. | Ward 6.—Horace Choate,
Joseph C. Adams. |

OVERSEERS OF THE POOR.

Geo. W. Woodwell, Michael Atkinson, John Teel.*

ASSESSORS.

John Huse, Nathaniel Greeley, Moses Stevens.*

Chief Engineer—John B. Pritchard.

ASSISTANT ENGINEERS.

William A. Davis,	Isaac Poor,	Henry T. Moody,*
Reuben Dade,*	John A. Cooper,	William H. Fitts.*

City Marshal—Nehemiah Flanders.

CONSTABLES.

William H. Fitts,* Nehemiah Flanders, John H. Page.

*Deceased.

MAYOR—WILLIAM GRAVES.**ALDERMEN.**

Ward 1.—PAUL G. LUNT,* Ward 4.—WILLIAM C. BALCH,
 “ 2.—NATHANIEL PIERCE, “ 5.—WILLIAM H. HUSE,
 “ 3.—WARREN CURRIER, “ 6.—MOSES H. FOWLER.

COMMON COUNCIL.

President—NATH'L M. HORTON.* Clerk—A. W. GREENLEAF.

Ward 1.—Rufus Adams, Henry T. Moody,* Isaac Hale, jr.*	Ward 4.—Nathaniel M. Horton,* W. P. Plummer, Samuel March, jr.
Ward 2.—Isaac Poor, Stephen H. Thurlow, Joseph G. Gerrish.	Ward 5.—John E. Bailey, John A. Cooper, Hiram Littlefield.
Ward 3.—Geo. W. Knight, jr., James Meader.* Charles E. Bayley.*	Ward 6.—Thomas M. Sargent, Jacob T. Rowe, Eben P. Cutter.

City Clerk—Eleazer Johnson.* City Mess'ger—David E. Cutter.*

Treasurer and Collector—Daniel Granger.*

SCHOOL COMMITTEE.

Ward 1.—M. Pettingell, jr., Isaac P. Noyes.	Ward 4.—James W. Cheney,* Robert Couch,
Ward 2.—John Pearson, jr., Amos W. Mooney.	Ward 5.—Nathan A. Moulton, Edward S. Moseley.
Ward 3.—Thomas Borden, John R. Thurston.	Ward 6.—William Plummer, William J. Currier.

OVERSEERS OF THE POOR.

Geo. W. Woodwell, Michael Atkinson, John Teel.

ASSESSORS.

Nathaniel Greeley, Edward Burrill, John Huse.

Chief Engineer—William A. Davis.

ASSISTANT ENGINEERS.

John A. Cooper.	William H. Fitts,*	Eben P. Cutter,
H. P. Macintosh,	H. T. Moody,*	Isaac Poor.

City Marshal—James P. L. Westcott.

CONSTABLES.

J. P. L. Westcott.	D. C. Batchelder,	John H. Page,
John Akerman,*	David E. Cutter,*	Wooster Smith.

*Deceased.

MAYOR—EBEN F. STONE.

ALDERMEN.

Ward 1.—HENRY T. MOODY,* Ward 4.—FRED. J. COFFIN,*
 “ 2.—JOSEPH G. GERRISH, “ 5.—NATHAN A. MOULTON,
 “ 3.—DAVID J. ADAMS, “ 6.—EBEN P. CUTTER.

COMMON COUNCIL.

President—JOHN E. BAILEY. Clerk—A. W. GREENLEAF.
 Ward 1.—Charles C. Donnell, Ward 4.—Wallace D. Wells,*
 Moses M. Merrill, J. A. Frothingham, jr.,
 Amos Pettingell. Joseph L. Johnson,
 Ward 2.—Ralph C. Huse,* Ward 5.—John E. Bailey,
 Moody Kimball,* John A. Cooper,
 T. W. Goodwin, Charles L. Huse, ‡
 Ward 3.—Joseph Stanwood, Ward 6.—Horace Choate,
 George W. Clark,* Henry W. Chapman,
 William H. Noyes. E. K. Batchelder.

City Clerk—Eleazer Johnson.* City Mess'ger—David E. Cutter.*

Treasurer and Collector—Daniel Granger.*

Assistant to City Clerk and Treasurer—William H. H. Bradbury.

SCHOOL COMMITTEE.

Ward 1.—Stephen Peabody, Ward 4.—Wm. A. McGinley,
 Eben Little. S. J. Spalding.
 Ward 2.—William E. Currier. Ward 5.—David Wood,
 A. W. Mooney. E. P. Cummings.*
 Ward 3.—Thomas Borden, Ward 6.—William J. Currier.
 Colby Lamb. William H. Merrill.

OVERSEERS OF THE POOR.

William Graves,* Isaac H. Boardman, Albert Currier.
 Clerk of the Board of Overseers—John Teel.*

ASSESSORS.

Thomas H. Gould, Francis E. Coffin, James W. Cheney.*

Chief Engineer—William A. Davis.

ASSISTANT ENGINEERS.

Hiram P. Macintosh, Isaac Poor, William A. Goodwin,
 James H. Hall, J. A. L. Odd'e, Augustus Pearson.*

City Marshal—William H. Fitts.*

CONSTABLES.

William H. Fitts,* George Barker, John Akerman.*

*Deceased.

‡Elected to fill vacancy.

MAYOR—NATHANIEL PIERCE.**ALDERMEN.**

Ward 1.—HENRY T. MOODY,* Ward 4.—DANA DODGE,*
 “ 2.—JOSEPH G. GERRISH, “ 5.—E. G. KELLEY,
 “ 3.—DAVID J. ADAMS, “ 6.—EBEN P. CUTTER.

COMMON COUNCIL.

President—G. W. JACKMAN, jr. Clerk—A. W. GREENLEAF.
 Ward 1.—Amos Pettingell,
 Luther Dame,
 Alpheus G. Knight.
 Ward 2.—William Cushing,*
 Isaac Poor,
 Charles T. Smith, jr.
 Ward 3.—Joseph Stanwood,
 Samson Levy,
 George W. Creasey.
 Ward 4.—Albert Currier,
 William P. Plummer,
 Joseph L. Johnson.
 Ward 5.—John E. Bayley, †
 David J. Merrill, †
 Charles L. Huse,
 John R. Longfellow.
 Ward 6.—Geo. W. Jackman, jr.,
 Henry Merrill,
 Eliphalet Griffin.

City Clerk—Eleazer Johnson.* City Mess'ger—John D. Parsons.*

Treasurer and Collector—Daniel Granger.*

Assistant to City Clerk and Treasurer—Edward F. Bartlett.

SCHOOL COMMITTEE.

Ward 1.—Stephen Peabody,
 Isaac P. Noyes.
 Ward 2.—Richard Plumer,
 A. W. Mooney.
 Ward 3.—Thomas Borden,
 G. W. Snow.
 Ward 4.—Daniel P. Pike,
 Jacob Stone, jr.,
 Ward 5.—William H. Huse,
 N. A. Moulton.
 Ward 6.—F. D. Burnham,*
 M. H. Fowler.

OVERSEERS OF THE POOR.

Geo. W. Woodwell, Richard Plumer, Thomas Atwood.*
 Clerk of the Board of Overseers—Thomas H. Gould.

ASSESSORS.

Nathaniel Greely, John Huse, Francis E. Coffin.

Chief Engineer—William A. Davis.

ASSISTANT ENGINEERS.

Isaac Poor, Hiram P. Macintosh, William A. Goodwin,
 James H. Hall, John A. L. Odd'e, John A. Cooper.

City Marshal—William H. Fitts.*

CONSTABLES.

William H. Fitts,* Wooster Smith, John Akerman.*

*Deceased.

†Resigned.

‡Elected to fill vacancy.

MAYOR—NATHANIEL PIERCE.**ALDERMEN.**

Ward 1.—PAUL G. LUNT,* Ward 4.—GEORGE W. CLARK,*
 “ 2.—AMOS W. MOONEY, “ 5.—JOHN E. BAILEY,
 “ 3.—DAVID J. ADAMS, “ 6.—MOSES H. FOWLER.

COMMON COUNCIL.

President—WILLIAM CUSHING.* Clerk—A. W. GREENLEAF.
 Ward 1.—Moses M. Merrill, Ward 4.—Charles L. Ayers,
 Samuel W. Tuck, David Smith,
 Henry Hunt. Isaac H. B. Blake.*
 Ward 2.—William Cushing,* Ward 5.—Pottle Richardson,*
 Joseph G. Gerrish, Elbridge A. Sargent,*
 Nathaniel W. Hurd.* Edward A. Moseley.
 Ward 3.—Samson Levy, Ward 6.—Henry W. Chapman,
 Samuel A. Smith,* Benjamin F. Stanley,
 Lawrence B. Cushing. George W. Marston.

City Clerk—Eleazer Johnson.* City Mess'ger—John D. Parsons.

Treasurer and Collector—Daniel Granger.*

Assistant to City Clerk and Treasurer—Edward F. Bartlett.

SCHOOL COMMITTEE.

Ward 1.—Isaac P. Noyes, Ward 4.—Daniel P. Pike,
 John Capen. Samuel J. Spalding.
 Ward 2.—Stephen Collins, Ward 5.—William H. Huse,
 Ralph C. Huse.* Nathan A. Moulton.
 Ward 3.—Colby Lamb, Ward 6.—William H. Merrill,
 George W. Snow. John A. Hoxie.

OVERSEERS OF THE POOR.

Geo. W. Woodwell, Richard Plumer, Thomas Atwood.*
 Clerk of the Board of Overseers—Benjamin Davis, jr.*

ASSESSORS.

Nathaniel Greeley, John Huse, George Wood.

Chief Engineer—William A. Davis.

ASSISTANT ENGINEERS.

Isaac Poor, Hiram P. Macintosh, William A. Goodwin,
 James H. Hall, John A. L. Odd'e, Eben P. Cutter.

City Marshal—William H. Fitts.*

CONSTABLES.

William H. Fitts,* Thomas W. Foster,* John Akerman,*
 Joseph M. Tappan, John D. Parsons.

MAYOR—ROBERT COUCH.

ALDERMEN.

Ward 1.—LUTHER DAME. Ward 4.—GEORGE W. CLARK.*
 “ 2.—CHAS. T. SMITH, JR. “ 5.—JOHN E. BAILEY.
 “ 3.—AMOS COFFIN. “ 6.—E. K. BATCHELDER.

COMMON COUNCIL.

President—WARREN CURRIER. Clerk—ALBERT W. GREENLEAF,†
 “ —THOMAS E. CUTTER.‡
 Ward 1.—Henry Hunt, Ward 4.—Joseph L. Johnson,
 Samuel W. Tuck, Charles L. Ayers,†
 Benj. A. Thurlow. Joseph H. Walton,
 Hugh McGlew.‡
 Ward 2.—William Cushing,* Ward 5.—Edward A. Moseley,
 Rufus L. Greenleaf,* Warren Currier,
 Nicholas Varina. John A. Cooper.
 Ward 2.—Lawrence B. Cushing, Ward 6.—George W. Marston,
 Benj. C. Currier, Henry W. Chapman,
 George W. Brown.* George A. Ordway.

City Clerk—Eleazer Johnson.* City Mess'ger—John D. Parsons.
 City Clerk—George H. Stevens.‡

Treasurer and Collector—Albert W. Greenleaf.

SCHOOL COMMITTEE.

Ward 1.—Isaac P. Noyes, Ward 4.—Daniel P. Pike,
 Moses Pettingell, jr. Samuel J. Spalding.
 Ward 2.—Thomas C. Goodwin, Ward 5.—Nathan A. Moulton.
 Richard Plumer. William H. Huse.
 Ward 3.—William H. Noyes, Ward 6.—John A. Hoxie,
 Colby Lamb. William H. Merrill.

OVERSEERS OF THE POOR.

Richard Plumer, Thomas Atwood,* George D. Thurlow.
 Clerk to the Board of Overseers—Benjamin Davis, jr.*

ASSESSORS.

Thomas C. Goodwin,* Frederick J. Coffin,* William Plummer.

Chief Engineer—Hiram P. Macintosh.

ASSISTANT ENGINEERS.

Augustus Pearson,* William A. Goodwin, John A. L. Odd'e,
 James H. Hall, Charles H. Goodwin, George W. Knight, jr.

City Marshal—Charles L. Ayers.

CONSTABLES.

Charles L. Ayers, Richard C. Hale, John Akerman,*
 Wooster Smith, John D. Parsons.

*Deceased.

†Resigned.

‡Elected to fill vacancy.

MAYOR—ELBRIDGE G. KELLEY.**ALDERMEN.**

Ward 1.—PAUL G. LUNT,* Ward 4.—RUFUS A. WILLS,
 “ 2.—HENRY COOK, “ 5.—EDWARD A. MOSELEY,
 “ 3.—SAMSON LEVY, “ 6.—G. W. JACKMAN, JR.

COMMON COUNCIL.

President—THOMAS HUSE.* Clerk—THOMAS E. CUTTER.
 Ward 1.—John S. Frost, Ward 4.—Elisha P. Dodge,
 Amos Pettingell, George W. Hunt,
 Alfred Osgood. Hugh McGlew.
 Ward 2.—William Cushing,* Ward 5.—Greenleaf Boardman,*
 Thomas Huse,* Renton M. Perley,
 Isaac Poor. H. G. Johnson, jr.
 Ward 3.—Edward F. Tibbetts, Ward 6.—Joseph H. Currier,
 Amos H. Geary, George A. Ordway,
 John T. Brown. John A. L. Odd'e.

City Clerk—George H. Stevens. City Mess'ger—J. M. Tappan.

Treasurer and Collector—Albert W. Greenleaf.

SCHOOL COMMITTEE.

Ward 1.—Moses Pettingell, jr., Ward 4.—Daniel P. Pike,
 Stephen Peabody. Samuel J. Spalding.
 Ward 2.—Thomas C. Goodwin,* Ward 5.—Nathan A. Moulton,
 Richard Plumer. William H. Huse,
 Ward 3.—William H. Noyes, Ward 6.—John A. Hoxie,
 David J. Adams. Fred'k D. Burnham.*

OVERSEERS OF THE POOR.

Richard Plumer, George D. Thurlow, John D. Pike.
 Clerk of the Board of Overseers—John Teel.*

ASSESSORS.

Nathaniel Greeley, George Wood, John Huse.

Chief Engineer—Hiram Janvrin.

ASSISTANT ENGINEERS.

John A. Cooper, Warren Kilburn, Chas. H. Goodwin,
 John S. Frost, Geo. W. Knight, jr. Luther Carter.

City Marshal—Josiah R. Brady.

CONSTABLES.

Josiah R. Brady, Henry Martin, Joseph M. Tappan,
 William H. Fitts,* John Akerman,* Andrew C. Nowell.*

*Deceased.

MAYOR—ELBRIDGE G. KELLEY.**ALDERMEN.**

- | | |
|------------------------|--------------------------|
| Ward 1.—PAUL G. LUNT,* | Ward 4.—JOSEPH B. MORSS, |
| “ 2.—HENRY COOK, | “ 5.—EDWARD A. MOSELEY, |
| “ 3.—SAMSON LEVY, | “ 6.—G. W. JACKMAN, JR. |

COMMON COUNCIL.

President—WILLIAM CUSHING.* Clerk—F. P. IRELAND.

- | | |
|---|---|
| Ward 1.—Joseph E. Moody,
Amos Pettingell,
Alfred Osgood. | Ward 4.—Edward P. Russell,
Jacob P. Torrey,
Hugh McGlew, |
| Ward 2.—William Cushing,*
William C. Cusick,
Isaac Poor. | Ward 5.—George W. Hunt,
Renton M. Perley,
H. G. Johnson, jr. |
| Ward 3.—Edward F. Tibbetts,
Amos H. Geary,
John T. Brown. | Ward 6.—Joseph H. Currier,
Joseph C. Adams,
James M. Jackman, |

City Clerk—George H. Stevens. City Mess'ger—J. M. Tappan.

Treasurer and Collector—Albert W. Greenleaf.

SCHOOL COMMITTEE.

- | | |
|---|---|
| Ward 1.—Moses Pettingell, jr.,
Isaac P. Noyes. | Ward 4.—Daniel P. Pike,
Samuel J. Spalding. |
| Ward 2.—George D. Johnson,
Richard Plumer. | Ward 5.—E. P. Cummings,*
William H. Huse, |
| Ward 3.—William H. Noyes,
David J. Adams. | Ward 6.—William H. Swasey,
Fred D. Burnham.* |

OVERSEERS OF THE POOR.

Richard Plumer, George D. Thurlow, John D. Pike.
Clerk of the Board of Overseers—John Teel.*

ASSESSORS.

Nathaniel Greeley, George L. Jackman, Enoch G. Currier.

Chief Engineer—Hiram Janvrin.

ASSISTANT ENGINEERS.

John A. Cooper, Warren Kilburn, Geo. W. Knight, jr.,
John S. Frost, Charles H. Goodwin, Daniel W. Cate.

City Marshal—William H. Fitts.*

CONSTABLES.

Josiah R. Brady, Henry Martin, Joseph M. Tappan,
William H. Fitts,* Hiram Janvrin.

*Deceased.

MAYOR—WARREN CURRIER.**ALDERMEN.**

Ward 1.—LUTHER DAME, Ward 4.—JOHN N. PIKE,
 “ 2.—J. AUGUSTUS GREELEY. “ 5.—H. G. JOHNSON, JR.
 “ 3.—AMOS COFFIN, “ 6.—JOSEPH H. CURRIER.

COMMON COUNCIL.

President—HENRY M. CROSS, Clerk—THOMAS E. CUTTER.
 Ward 1.—Trueworthy C. Pike, Ward 4.—George W. Clark,*
 Hiram H. Landford, Albert J. Atkinson,
 Samuel Brookings jr. Geo. J. L. Colby,
 Ward 2.—Stephen H. Thurlow, Ward 5.—Henry P. Sargent,
 Howard P. Currier, John B. Goodwin,
 Rufus L. Greenleaf,* J. Otis Winkley,
 Ward 3.—Horatio N. Marshall, Ward 6.—Horace Choate,
 Henry M. Cross, John P. Evans,
 Edward P. Shaw, Sanford H. Johnson.

City Clerk—George H. Stevens. City Mess'ger—Jos. M. Tappan,
 Treasurer and Collector—Albert W. Greenleaf.

SCHOOL COMMITTEE.

Ward 1.—M. Pettingell, jr. Ward 4.—Philip K. Hills,
 Isaac P. Noyes, Samuel J. Spalding,
 Ward 2.—N. N. Withington, Ward 5.—Amos Noyes.
 Richard Plumer, E. P. Cummings,*
 Ward 3.—William H. Noyes, Ward 6.—Paul A. Merrill,
 Joseph May, John A. L. Odd'e.

OVERSEERS OF THE POOR.

Benj. C. Currier, John D. Pike, G. W. Woodwell.
 Clerk of the Board of Overseers,—John Teel.*

ASSESSORS.

William Plumer, D. T. Woodwell, Nathaniel Greeley.

Chief Engineer—H. P. Macintosh.

ASSISTANT ENGINEERS.

John A. Cooper, William A. Goodwin, Edward P. Russell,
 Charles H. Goodwin, George B. Hicken, George W. Knight, jr.

City Marshal,—William H. Fitts.*

CONSTABLES.

William H. Fitts,* Joseph M. Tappan, George N. Young,
 Charles Noyes.

*Deceased.

MAYOR.—BENJAMIN F. ATKINSON.

ALDERMEN.

Ward 1.—LUTHER DAME,	Ward 4.—ALBERT J. ATKINSON,
“ 2.—J. AUGUSTUS GREELEY,	“ 5.—H. G. JOHNSON JR.
“ 3.—AMOS COFFIN,	“ 6.—JOSEPH H. CURRIER.

COMMON COUNCIL.

President—SYLVESTER B. CARTER.	Clerk—THOMAS E. CUTTER,
Ward 1.—Trueworthy C. Pike, Hiram H. Landford Samuel Brookings, jr.	Ward 4.—Lewis A. Horton, William Holker, Hugh McGlew,
Ward 2.—Stephen H. Thurlow, William A. Johnson, George H. Moulton,	Ward 5.—James S. Hart, J. Otis Winkley, Luther Carter,
Ward 3.—Monroe P. Perley, Sylvester B. Carter, Charles L. Ayers.	Ward 6.—Joseph C. Adams, Charles D. Pettigrew, Sanford H. Johnson.

City Clerk—George H. Stevens. City Mess'ger—Jos. M. Tappan.

Treasurer and Collector—Albert W. Greenleaf.

SCHOOL COMMITTEE.

Ward 1.—M. Pettingell, jr. Isaac P. Noyes,	Ward 4.—Philip K. Hills, S. A. McConnell,
Ward 2.—N. N. Withington, Richard Plumer,	Ward 5.—Amos Noyes, Harrison G. Johnson,
Ward 3.—William H. Noyes, George W. Snow.	Ward 6.—John A. L. Odd'e John A. Hoxie.

OVERSEERS OF THE POOR.

Benj. C. Currier, John D. Pike, G. W. Woodwell.
Clerk of the Board of Overseers—John Teel.*

ASSESSORS.

Nathaniel Greeley, William Plummer, David T. Woodwell.

Chief Engineer—H. P. Macintosh.

ASSISTANT ENGINEERS.

Charles H. Goodwin, George B. Hicken, Geo. W. Knight, jr.,
William A. Goodwin, Edward P. Russell, John H. Daniels.

City Marshal—Samuel W. Tuck.

CONSTABLES.

Samuel W. Tuck, John W. Sargent, William H. Fitts,*
Joseph M. Tappan,

*Deceased.

MAYOR—BENJAMIN F. ATKINSON.**ALDERMEN.**

Ward 1.—WILLIAM THURLOW, Ward 4.—SAMUEL S. BLAKE,
 “ 2.—CHARLES H. GOODWIN,† “ 5.—EDWARD P. RUSSELL,
 CHAS. T. SMITH, jr.‡ “ 6.—GEORGE E. CURRIER.
 “ 3.—AMOS COFFIN,

COMMON COUNCIL.

President—T. GILLIS TODD. Clerk—THOMAS E. CUTTER.
 Ward 1.—Trueworthy C. Pike, Ward 4.—Eben F. Stone,
 Eben Little, jr., Albert Currier,
 Jacob Knight. William Holker.
 Ward 2.—Thomas Mackinney, Ward 5.—George A. Pearson,
 Howard P. Currier, Ira L. Davis.
 Isaac Poor. J. Otis Winkley.
 Ward 3.—Monroe P. Perley. Ward 6.—Sanford H. Johnson,
 Jonathan Smith, Francis L. Dunning,
 T. Gillis Todd. John W. S. Colby.

City Clerk—George H. Stevens. City Mess'ger—Jos. M. Tappan.

Treasurer and Collector—Albert W. Greenleaf.†
 “ George W. Piper.‡

City Solicitor—Eben F. Stone.

SCHOOL COMMITTEE.

Ward 1.—Edward Perkins, Ward 4.—Philip K. Hills,
 Isaac P. Noyes. S. A. McConnell.
 Ward 2.—N. N. Withington, Ward 5.—Alvah B. Dearborn,
 Richard Plumer. Harrison G. Johnson.
 Ward 3.—Elisha P. Dodge. Ward 6.—John A. L. Odd'e,
 George W. Snow. John A. Hoxie.

OVERSEERS OF THE POOR.

John D. Pike, Geo. W. Woodwell, Horace W. Bartlett.
 Clerk of the Board of Overseers—John Teel.*

ASSESSORS.

Chas. J. Brockway, Nathaniel Greeley, William Plummer.

Chief Engineer—Charles H. Goodwin.

ASSISTANT ENGINEERS.

John S. Frost, Edmund S. Johnson, John H. Daniels,
 Alexander Leach, George B. Hicken, Luther Carter.

City Marshal—Charles L. Ayers.

CONSTABLES.

Charles L. Ayers, John H. Smith, Samuel W. Tuck,
 Joseph M. Tappan.

*Deceased.

†Resigned.

‡Elected to fill vacancy.

MAYOR—GEORGE W. JACKMAN, JR.**ALDERMEN.**

Ward 1.—FRANCIS W. PUTNAM, Ward 4.—MOSES H. FOWLER,
 “ 2.—CHAS. T. SMITH, JR., “ 5.—J. OTIS WINKLEY,
 “ 3.—ENOCH T. NORTHEND, “ 6.—GEORGE E. CURRIER.

COMMON COUNCIL.

President—T. GILLIS TODD. Clerk—THOMAS E. CUTTER.
 Ward 1.—Eben Little, jr., Ward 4.—Charles L. Huse,
 Jonathan A. Perry, Charles H. Sargent,
 Jacob Knight. Johnson Littlefield.
 Ward 2.—Isaac Poor. Ward 5.—Daniel W. Cate,
 Thomas Huse, jr., Stephen S. Pike,
 John C. M. Bayley. Caleb P. Davis, jr.
 Ward 3.—Samson Levy, Ward 6.—John W. S. Colby,
 Lawrence B. Cushing, Charles H. Carr,
 T. Gillis Todd. Louis Patriquin.

City Clerk—George H. Stevens. City Mess'ger—Jos. M. Tappan.

Treasurer and Collector—George W. Piper.

City Solicitor—Eben F. Stone.

SCHOOL COMMITTEE.

Ward 1.—Isaac P. Noyes, Ward 4.—Philip K. Hills,
 Edward Perkins. Simpson A. McConnell.
 Ward 2.—N. N. Withington, Ward 5.—A. B. Dearborn,
 Richard Plumer. Edward A. Dimmick,
 Ward 3.—John F. Young, Ward 6.—Alfred M. True,*
 Elisha P. Dodge. John A. L. Odd'e.

OVERSEERS OF THE POOR.

Winthrop O. Evans, Lorenzo D. Ross,* Wm. E. Crockett
 Clerk of the Board of Overseers—John Teel.*

ASSESSORS.

Nathaniel Greeley, Chas. J. Brockway, James M. Jackman.

Chief Engineer—John S. Frost.

ASSISTANT ENGINEERS.

George B. Hicken, John H. Daniels, Selwyn C. Reed,
 Geo. W. Knight, jr., A. Parke Lewis, John H. Curran.

City Marshal—Nehemiah Flanders.

CONSTABLES.

Nehemiah Flanders. Hiram Janvrin. Joseph M. Tappan.

*Deceased.

MAYOR—JONATHAN SMITH.

ALDERMEN,

Ward 1.—JACOB KNIGHT, Ward 4.—D. T. BATCHELDER,
 “ 2.—JOS. A. WOODWELL, “ 5.—JOHN A. L. ODD’E,
 “ 3.—JOHN P. COOMBS. “ 6.—GEORGE E. CURRIER.

COMMON COUNCIL.

President—THOS. K. BARTLETT. Clerk—THOS. E. CUTTER.
 Ward 1.—William Thurlow, Ward 4.—Ira L. Davis,
 Jonathan A. Perry, Samuel A. Bridges,
 William B. Porter. Charles H. Sargent.
 Ward 2.—John C. M. Bayley, Ward 5.—William H. Toppa,
 Robert G. Sargent, Stephen S. Pike,
 Alfred Pearson. Samuel S. McQuillen.
 Ward 3.—Lawrence B. Cushing, Ward 6.—Thomas K. Bartlett,
 Henry M. Cross, James A. Keniston,
 Samson Levy Joseph S. Bailey.

City Clerk—George H. Stevens. City Mess’ger—Chas. H. Lunt.

Treasurer and Collector—George W. Piper.

City Solicitor—John N. Pike.

City Physician—George W. Snow.

SCHOOL COMMITTEE.

Ward 1.—Isaac P. Noyes, Ward 4.—Simpson A. McConnell,
 John W. Winder, S. J. Spalding.
 Ward 2.—Richard Plumer, Ward 5.—John L. Pearson,
 N. N. Withington, Alvah B. Dearborn.
 Ward 3.—John F. Young, Ward 6.—Alfred M. True,*
 Elisha P. Dodge. James A. Merrill.

OVERSEERS OF THE POOR.

Lorenzo D. Ross,* Win. E. Crockett, Jonathan Keniston.
 Clerk of the Board of Overseers—John Teel.*

ASSESSORS.

Charles J. Brockway, James M. Jackman, Charles C. Donnell.

Chief Engineer—Charles H. Goodwin.

ASSISTANT ENGINEERS.

George B. Hicken, Daniel W. Cate, John H. Curran,
 John S. Frost, Selwyn C. Reed, William Holker.

City Marshal—Charles H. deRochemont.

CONSTABLES.

C, H. deRochemont, Joseph M. Tappan, Charles F. Russell,*
 Charles H. Lunt.

*Deceased.

MAYOR—JOHN JAMES CURRIER.**ALDERMEN.**

- Ward 1.—ALBERT CHEEVER. Ward 4.—CHARLES L. AYERS.
 “ 2.—JOHN WOODWELL. “ 5.—THOMAS MACKINNEY.
 “ 3.—WILLIAM H. NOYES. “ 6.—JOHN P. EVANS.

COMMON COUNCIL.

- President—WILLIAM A. DAVIS. Clerk—THOMAS E. CUTTER.
 Ward 1.—William B. Porter, Ward 4.—Horace L. Balch,
 Rufus Adams, Alvin D. Russell,
 Nathaniel Greeley. Arthur C. Richardson.
 Ward 2.—Isaac Poor, Ward 5.—Daniel W. Cate,
 Thomas Huse, jr. William R. Johnson,
 Robert G. Sargent. Joseph Hall.
 Ward 3.—William A. Davis, Ward 6.—William E. McQuillen,
 Willard J. Hale, Wm. H. Whitmore, jr.
 Thomas H. Boardman. Joseph S. Bailey.

City Clerk—George H. Stevens. City Mess'ger—Jos. M. Tappan.

Treasurer and Collector—George W. Piper.

City Solicitor—John N. Pike.

City Physician—George W. Snow.

SCHOOL COMMITTEE.

- Ward 1.—John W. Winder, Ward 4.—Samuel J. Spalding,
 Isaac P. Noyes. Charles R. Seymour.
 Ward 2.—N. N. Withington, Ward 5.—Alvah B. Dearborn,
 T. C. Simpson, jr. Amos Noyes.
 Ward 3.—David T. Woodwell, Ward 6.—James A. Merrill,
 John F. Young. Charles A. Currier.

OVERSEERS OF THE POOR.

Jonathan Keniston, Charles Noyes, William Thurlow.
 Clerk of the Board of Overseers—William H. Bayley.

ASSESSORS.

Chas. J. Brockway, James M. Jackman, Charles C. Donnell.

Chief Engineer—Charles H. Goodwin.

ASSISTANT ENGINEERS.

John S. Frost, Alexander Leach, Eben S. Dole,
 William A. Goodwin, Selwyn C. Reed, Edmund S. Johnson.

City Marshal—Charles H. de Rochemont.

CONSTABLES.

C. H. deRochemont, Joseph M. Tappan, Edward E. Taylor,
 Chas. F. Russell,* Nehemiah Flanders.

*Deceased.





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